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CEPEJ(2025)11REV
Part 1

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II
"Dashboard Western Balkans II"

Data collection 2024

Report prepared by the CEPEJ for the attention of the European Commission

Part 1 – Comparative tables and graphs for all Western Balkans beneficiaries with summary overview per indicator

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HFIII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II
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Methodological Note

The methodology used for this report is fully based on the methodology used by the CEPEJ for its biennial evaluation cycles. The data is collected by using a questionnaire, which is filled out by the CEPEJ's Dashboard correspondents (the main contact points within the judicial systems of the beneficiaries for this exercise). Their responses are statistically processed, analysed, and validated under the supervision of the CEPEJ Evaluation Working Group (CEPEJ-GT-EVAL). The CEPEJ works in full transparency with all beneficiaries during the whole process.

Data collection, validation and analysis

The CEPEJ Secretariat collects quantitative and qualitative data. Comments are also collected to provide additional information on the specificities of the beneficiaries' judicial system and to better contextualise the data.

From a methodological point of view, and with a commitment to quality, consistency and comparability of the supplied data, data collection is primarily assigned to the CEPEJ's Dashboard correspondents. The Dashboard correspondents are the unique interlocutors of the CEPEJ Secretariat when collecting and controlling data. The beneficiaries are liable for the quality of data provided in the survey.

According to the CEPEJ methodology, an extensive work is carried out by the CEPEJ Secretariat to verify the quality of the data submitted by the correspondents. This quality check process requires a certain amount of time in order to guarantee the reliability of the quantitative and qualitative data, which will eventually be presented to the European Commission (EC).

The data validation process has been implemented according to the CEPEJ's methodology. Nevertheless, the Beneficiary correspondent is responsible for the reliability and quality of the provided.

The first year of data collection for the Dashboard Western Balkans is 2019. This is considered as the base year to be presented in each consecutive cycle. The reference year for the current report's data is 2024. Evolutions/trends and variations using previous data collection are presented where relevant. CEPEJ will focus on up to 5 cycles (including the base year) in all the deliverables throughout the duration of the project.

The report is composed of two parts:

- Part 1- Comparative tables and graphs for all Western Balkans beneficiaries with summary overviews and comments per indicator (1 files)
- Part 2- Beneficiary profiles (6 files). There is one beneficiary profile per beneficiary, and each is divided in a Part A and a Part B.

This structure was discussed and agreed upon with the EC during previous cycles and was only updated in this cycle. The delivery date is 31 May for Part 1, and 30 June for Part 2.

It should be noted that the content of the Beneficiary profiles was elaborated by the CEPEJ Secretariat and the Greco Secretariat (with the assistance of one expert). Each Secretariat has implemented its own methodology. The analysis conducted by the CEPEJ Secretariat in the Beneficiary profiles is done based on the comments provided by the beneficiaries alongside the data.

The quality of data

The reader should always interpret the presented statistical figures together with the respective narrative comments.

The CEPEJ has chosen to process and show only the data which offered a high level of quality and accountability. Hence, it decided to disregard those replies that significantly varied between exercises and for which there was no relevant explanation provided by the Dashboard correspondent, to give sufficient guarantees of quality and reliability. For some issues covered by this study, no data could be provided. When a data is shown as “NA” (i.e., “Not available”), it means that the data was not available, the data could not be collected as such or no data meeting the quality and reliability requirements was provided by the deadline. As a consequence, there might be some instances where data are shown as “NA” while there was data presented in the previous CEPEJ exercises. This is critical to ensure a high level of data quality.

Definitions and abbreviations

- **NA**: data not available.
- **NAP**: data non applicable.
- **CR**: Clearance Rate. The Clearance rate is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court, or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics.
- **DT**: Disposition Time. The Disposition Time is the calculated time necessary for a pending case to be resolved, considering the current pace of work. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period, multiplied by 365.The Disposition Time is the ratio between pending cases and resolved cases (in days). It shows the theoretical duration for a court to solve all the pending cases.
- **ICT Indices**: The three ICT indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included.

Numbers indicated between brackets following the letter Q (for example Q12) refer to the questions of the CEPEJ Dashboard Western Balkans questionnaire.

Methodological disclaimer

1) Since data are standardized based on the population and GDP per capita, it should be noted that the provided figures for the population in Albania, Bosnia and Herzegovina, and Montenegro are for the previous year. The provided figures for the GDP per capita for Albania, Bosnia and Herzegovina, Montenegro, and North Macedonia are also for the previous year.

2) The comparisons of data between beneficiaries with various size, economic and legal situations is a delicate task and should be approached with great caution. Indeed, the specificities of each system, which might explain differences in the data, should be taken into account (e.g., different judicial structures, the approach of the courts organisation, use of statistical tools to evaluate the systems, etc.). This is especially true when a particular region like the Western Balkans is compared to the European Union. Since the Western Balkans region presents its own peculiarities (e.g., per capita GDP, budget distribution, litigiousness rate, number of tasks handled by the judges, number of judges etc.), the comparison with the European Union region might be misleading. As requested by the European Commission, this report presents the EU median, where relevant. However, the EU median should not be considered as a benchmark for the Western Balkans region, but it should rather be considered as a "reference only".

Furthermore, it is crucial to notice that the data for calculating the 2024 EU median have not been collected yet. Hence, the 2023 EU median is included in this report. Yet, the reference year for the Dashboard Western Balkans is 2024. These statistics should be referred to for orientation only since they are not for the same reference year. For this reason, they are not comparable and should not be jointly analysed.

3) Some of the data might be updated or changed after each delivery (31 May and 30 June), in case of comments provided by the beneficiaries. According to the CEPEJ methodology, only the final version of the report can be disseminated, i.e., after considering the comments by the beneficiaries. Before then, all the collected data remain confidential.

4) Changes requested by beneficiaries after the delivery of this report may appear in future reports, since the CEPEJ's database is regularly updated. For this reason, previous cycles' data presented in this report might be different from data presented in the reports for the previous cycles.

5) It should also be noted that the summary statistics (minimum, maximum, average and median values) are presented in this report as an orientation only. Kosovo* is not included in these summary statistics. Indeed, the group of beneficiaries is too small for the summary to be statistically meaningful. These statistics are calculated by using quantitative data, hence excluding the "NA" or "NAP" answers. Furthermore, in case data are available only for one or two beneficiaries, the summary statistics would not be useful even as an orientation. Consequently, they are shown as "-".

6) When using the data provided by the CEPEJ in public reports, EC should always mention "Source: CEPEJ data". CEPEJ will only be able to produce comparison data tables and graphs between member States of the Council of Europe. If the EC wants to compare data between the six beneficiaries by constructing new charts and tables adding Kosovo, it should be made clear that it is of its responsibility even if the source of the data is the CEPEJ. This should be mentioned under each relevant table and/or graph.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

CEPEJ(2025)11REV - Part 1

Table 0.0.1 General information (Q1, Q2, Q3 and Q14)

Beneficiaries	Population						GDP per capita						Exchange rate Local currency vs Euro					Average gross annual salary					
	2019	2021	2022	2023	2024	Variation 2019 - 2024 (%)	2019	2021	2022	2023	2024	Variation 2019 - 2024 (%)	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024	Variation 2019 - 2024 (%)
Albania	2 845 955	2 793 592	2 793 592	2 761 785	2 761 785	-3,0%	4 780 €	5 450 €	5 489 €	7 700 €	7 700 €	61,1%	123,43	120,87	120,87	116,00	104,00	5 097 €	5 561 €	6 888 €	7 395 €	8 954 €	75,7%
Bosnia and Herzegovina	3 496 121	3 475 000	3 453 000	3 434 000	3 420 000	-2,2%	5 168 €	5 038 €	5 724 €	6 781 €	7 459 €	44,3%	1,96	1,96	1,96	1,96	1,96	8 724 €	9 461 €	10 571 €	11 946 €	13 116 €	50,3%
Montenegro	620 029	620 029	620 029	633 158	623 633	0,6%	7 959 €	6 737 €	8 002 €	9 598 €	10 998 €	38,2%	1,00	1,00	1,00	1,00	1,00	9 276 €	9 516 €	10 596 €	11 844 €	12 996 €	40,1%
North Macedonia	2 077 132	1 836 713	1 837 114	1 829 954	1 826 247	-12,1%	5 463 €	5 693 €	6 365 €	7 115 €	7 978 €	46,0%	61,50	61,65	61,49	61,50	61,50	7 469 €	8 703 €	9 297 €	10 717 €	12 096 €	61,9%
Serbia	6 963 764	6 871 547	6 797 105	6 641 197	6 605 168	-5,1%	6 593 €	7 697 €	8 876 €	10 497 €	12 508 €	89,7%	117,59	117,58	118,00	117,32	117,20	7 737 €	9 156 €	10 504 €	13 317 €	13 885 €	79,5%
Kosovo*	1 782 115	1 798 188	1 812 577	1 762 220	1 602 515	-1,1%	3 746 €	3 772 €	4 486 €	5 037 €	6 584 €	34,5%	1,00	1,00	1,00	1,00	1,00	6 696 €	5 592 €	5 808 €	6 252 €	6 840 €	-6,6%
Average	3 200 600	3 119 376	3 100 168	3 060 019	3 047 367	-4,4%	5 993 €	6 123 €	6 891 €	8 338 €	9 329 €	55,9%						7 661 €	8 479 €	9 571 €	11 044 €	12 209 €	61,5%
Median	2 845 955	2 793 592	2 793 592	2 761 785	2 761 785	-3,0%	5 463 €	5 693 €	6 365 €	7 700 €	7 978 €	46,0%						7 737 €	9 156 €	10 504 €	11 844 €	12 996 €	61,9%
Minimum	620 029	620 029	620 029	633 158	623 633	-12,1%	4 780 €	5 038 €	5 489 €	6 781 €	7 459 €	38,2%						5 097 €	5 561 €	6 888 €	7 395 €	8 954 €	40,1%
Maximum	6 963 764	6 871 547	6 797 105	6 641 197	6 605 168	0,6%	7 959 €	7 697 €	8 876 €	10 497 €	12 508 €	89,7%						9 276 €	9 516 €	10 596 €	13 317 €	13 885 €	79,5%

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Kosovo is not included in the calculation of summary statistics*

Albania, **Bosnia and Herzegovina** and **Montenegro**: the population figures refer to 2023.

Albania, **Bosnia and Herzegovina**, **Montenegro**, **North Macedonia**: the GDP per capita refers to the year preceding the reference year.

North Macedonia: a census was conducted in 2021; the resulting population figure is lower than in previous cycles.

1.Budget - Overview

Implemented budget allocated to the judicial system (courts, prosecution services and legal aid)

Implemented Judicial system budget per inhabitant (Tables 1.1.5 and 1.1.6)

Beneficiaries	2019	2021	2022	2023	2024	% variation 2019 - 2024	% variation 2023 - 2024
Albania	NA	14,5 €	14,9 €	15,8 €	28,2 €	NA	5,6%
Bosnia and Herzegovina	35,6 €	37,8 €	39,0 €	43,6 €	56,1 €	57,5%	10,2%
Montenegro	67,6 €	64,0 €	61,0 €	60,5 €	68,4 €	1,2%	2,5%
North Macedonia	21,0 €	19,3 €	22,0 €	24,6 €	29,6 €	40,8%	11,2%
Serbia	NA	NA	43,3 €	48,1 €	64,3 €	NA	16,9%
Kosovo*	24,6 €	23,2 €	23,9 €	25,5 €	31,2 €	0,3 €	22,4%
WB Average	41,4 €	33,9 €	36,0 €	38,5 €	49,3 €	33,2%	9,3%

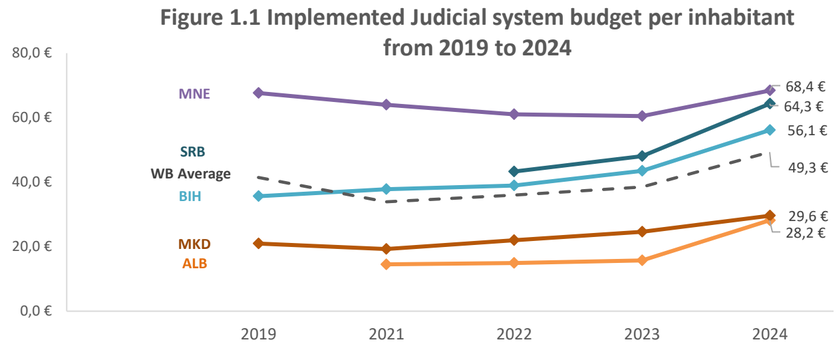


Figure 1.1 Implemented Judicial system budget per inhabitant from 2019 to 2024

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.
In **Albania and Montenegro**, mandatory representation in court is not counted under the legal aid budget. Since 2023, **Serbia** has included mandatory representation in court under its legal aid budget, which explains the increase in the budget.

Implemented Judicial system budget as % of GDP (Table 1.1.4)

Beneficiaries	2019	2021	2022	2023	2024	% variation 2019 - 2024 (percentage points)	% variation 2023 - 2024 (percentage points)
Albania	NA	0,27%	0,29%	0,35%	0,37%	NA	0,02
Bosnia and Herzegovina	0,69%	0,77%	0,76%	0,75%	0,75%	0,06	0,00
Montenegro	0,85%	0,91%	0,76%	0,70%	0,62%	-0,23	-0,07
North Macedonia	0,38%	0,39%	0,39%	0,37%	0,37%	-0,01	0,00
Serbia	NA	0,56%	0,54%	0,52%	0,51%	NA	-0,01
Kosovo*	0,66%	0,61%	0,53%	0,51%	0,47%	-18%	-0,03
WB Average	0,64%	0,58%	0,55%	0,54%	0,53%	-0,06	-0,01

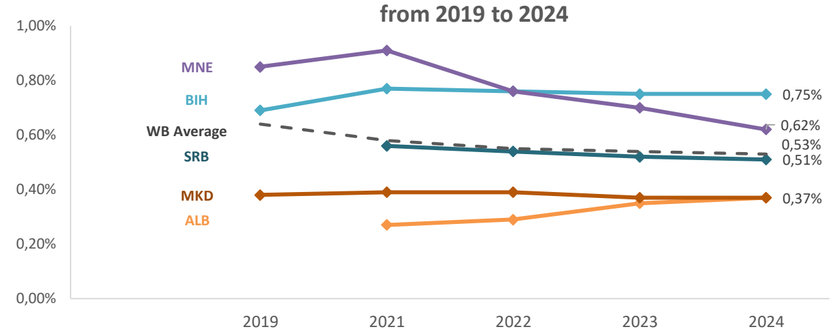


Figure 1.2 Implemented Judicial system budget as % of GDP from 2019 to 2024

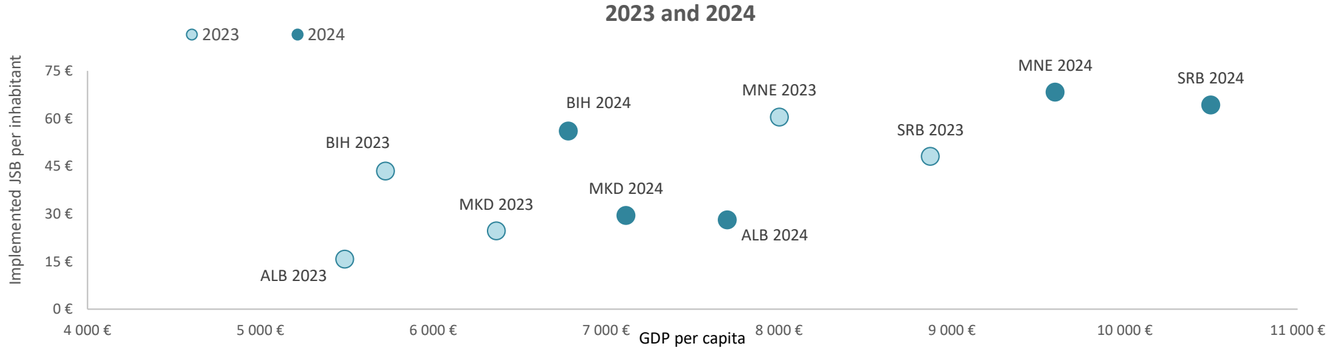


Figure 1.3 Implemented Judicial System Budget (JSB) per inhabitant in relation with the GPD per capita in 2023 and 2024

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Distribution of Implemented Judicial System Budget

Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2024 and variation compared to 2023 (Table 1.1.4 and 1.1.6)

	Implemented budget in 2024			% Variation 2023 - 2024		
	Courts	Legal aid	Prosecution services	Courts	Legal Aid	Prosecution Services
Albania	44 794 809 €	681 193 €	32 364 054 €	7,3%	45,8%	2,8%
Bosnia and Herzegovina	141 402 660 €	8 226 146 €	42 356 661 €	10,0%	-5,7%	14,3%
Montenegro	30 233 889 €	91 801 €	12 333 280 €	0,8%	-12,5%	7,0%
North Macedonia	41 324 116 €	367 217 €	12 338 733 €	10,1%	-27,4%	16,9%
Serbia	319 452 413 €	16 099 453 €	89 218 617 €	10,4%	40,6%	42,4%
Kosovo*	32 906 357 €	2 543 287 €	14 559 987 €	24,4%	18,0%	18,7%
WB Median	44 794 809 €	681 193 €	32 364 054 €	10,0%	-5,7%	14,3%

Figure 1.4 Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2024

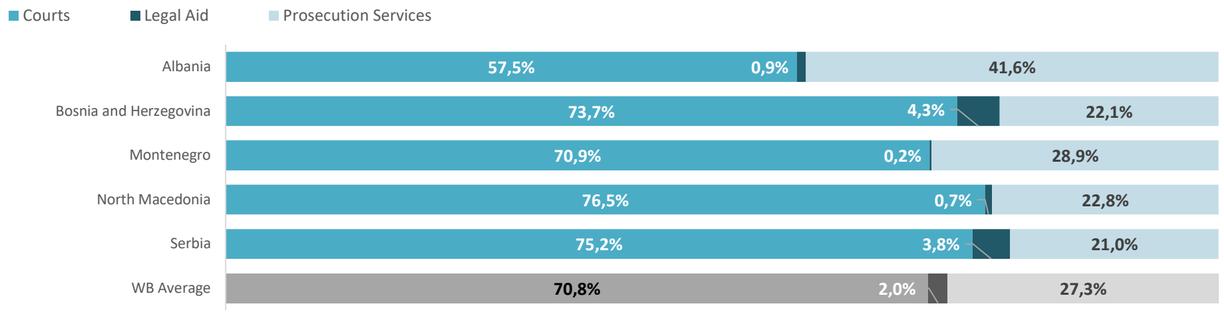
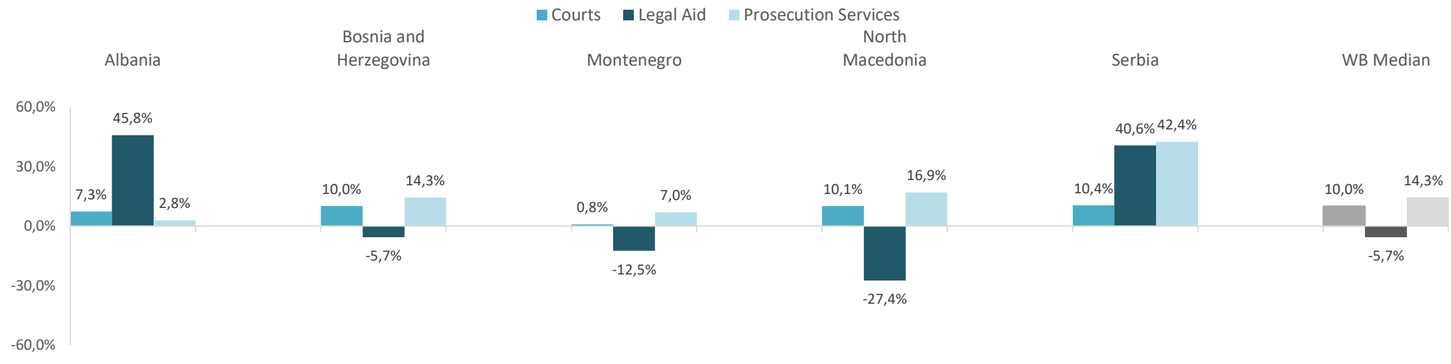


Figure 1.5 Variation of the implemented budget allocated to courts, Legal Aid and Prosecution Services between 2023 - 2024 (%)



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Kosovo is not included in the calculation of summary statistics*

1.Budget - List of tables

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget)
Please note the Legal Aid Budget will separately be shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per capita from 2019 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2019 and 2024 and between 2023 and 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per capita from 2018 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.6 Variation in % of the annual implemented budget of the judicial system per inhabitant (budget allocated to courts, legal aid and public prosecution services) between 2019 and 2024 and between 2023 and 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

1.1 Courts' Budget - Categories

Table 1.2.1 Categories of the approved court budget in 2024 - Absolute values in € (Q4)

Table 1.2.2 Categories of the implemented court budget in 2024 - Absolute values in € (Q4)

Table 1.2.3 Distribution of the implemented court budget by categories in 2024 (Q4)

1.1 Donors' Contributions

Table 1.3.1 Estimated percentage of the external donor's contribution compared with the components of implemented judicial system between 2019 and 2024 (Q11)

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget)

Please note the Legal Aid Budget will separately be shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	2024							
	Annual approved budget (absolute values)				Annual approved budget (standardised values)			
	Judicial system (1) + (2) + (3)	(1) Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Albania	83 360 536 €	46 160 369 €	736 525 €	36 463 642 €	30,2 €	0,39%	16,7 €	0,22%
Bosnia and Herzegovina	NA	151 174 313 €	NA	43 454 543 €	NA	NA	44,2 €	0,59%
Montenegro	NA	29 451 840 €	NA	13 685 205 €	NA	NA	47,2 €	0,43%
North Macedonia	54 866 306 €	41 307 472 €	361 192 €	13 197 642 €	30,0 €	0,38%	22,6 €	0,28%
Serbia	430 350 884 €	323 956 932 €	16 157 727 €	90 236 225 €	65,2 €	0,52%	49,0 €	0,39%
Kosovo*	53 902 280 €	34 531 843 €	2 713 722 €	16 656 715 €	33,6 €	0,51%	21,5 €	0,33%
Average	189 525 909 €	118 410 185 €	5 751 815 €	39 407 451 €	41,8 €	0,43%	36,0 €	0,38%
Median	83 360 536 €	46 160 369 €	736 525 €	36 463 642 €	30,2 €	0,39%	44,2 €	0,39%
Minimum	54 866 306 €	29 451 840 €	361 192 €	13 197 642 €	30,0 €	0,38%	16,7 €	0,22%
Maximum	430 350 884 €	323 956 932 €	16 157 727 €	90 236 225 €	65,2 €	0,52%	49,0 €	0,59%

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Kosovo is not included in the calculation of summary statistics*

In **Albania** and **Montenegro**, mandatory representation in court is not included in the legal aid budget.

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per capita from 2019 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Evolution of the approved budget of the judicial system and its components																			
	Judicial system (1) + (2) + (3) per capita					(1) Courts per capita					(2) Legal aid per capita					(3) Public prosecution system per capita				
	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024
Albania	NA	16,3 €	16,7 €	26,9 €	30,2 €	7,8 €	9,3 €	10,0 €	15,6 €	16,7 €	0,05 €	0,20 €	0,15 €	0,22 €	0,27 €	NA	6,8 €	6,6 €	11,0 €	13,2 €
Bosnia and Herzegovina	NA	NA	NA	NA	NA	27,8 €	29,9 €	34,4 €	41,4 €	44,2 €	NA	NA	NA	NA	NA	8,6 €	8,8 €	9,9 €	11,6 €	12,7 €
Montenegro	NA	NA	NA	NA	NA	50,6 €	41,9 €	42,0 €	44,4 €	47,2 €	NA	NA	NA	NA	NA	14,8 €	14,8 €	14,9 €	18,0 €	21,9 €
North Macedonia	22,9 €	22,7 €	25,0 €	28,2 €	30,0 €	16,1 €	17,3 €	19,3 €	21,4 €	22,6 €	0,24 €	0,34 €	0,34 €	0,29 €	0,20 €	6,6 €	5,1 €	5,4 €	6,5 €	7,2 €
Serbia	NA	44,3 €	NA	55,5 €	65,2 €	NA	38,4 €	42,3 €	44,2 €	49,0 €	NA	0,01 €	NA	1,75 €	2,45 €	8,0 €	5,9 €	6,9 €	9,6 €	13,7 €
Kosovo*	25,5 €	23,3 €	27,0 €	27,7 €	33,6 €	16,3 €	15,1 €	16,7 €	17,7 €	21,5 €	1,23 €	0,95 €	1,04 €	1,30 €	1,69 €	8,0 €	7,3 €	9,2 €	8,7 €	10,4 €
Average	-	27,8 €	-	36,9 €	41,8 €	25,6 €	27,4 €	29,6 €	33,4 €	36,0 €	-	0,18 €	-	0,75 €	0,97 €	9,5 €	8,3 €	8,7 €	11,3 €	13,7 €
Median	-	22,7 €	-	28,2 €	30,2 €	21,9 €	29,9 €	34,4 €	41,4 €	44,2 €	-	0,20 €	-	0,29 €	0,27 €	8,3 €	6,8 €	6,9 €	11,0 €	13,2 €
Minimum	-	16,3 €	-	26,9 €	30,0 €	7,8 €	9,3 €	10,0 €	15,6 €	16,7 €	-	0,01 €	-	0,22 €	0,20 €	6,6 €	5,1 €	5,4 €	6,5 €	7,2 €
Maximum	-	44,3 €	-	55,5 €	65,2 €	50,6 €	41,9 €	42,3 €	44,4 €	49,0 €	-	0,34 €	-	1,75 €	2,45 €	14,8 €	14,8 €	14,9 €	18,0 €	21,9 €

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North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

In **Albania** and **Montenegro**, mandatory representation in court is not included in the legal aid budget. Since 2023, **Serbia** has included it, explaining the increase in the budget.

Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2019 and 2024 and between 2023 and 2024 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	% Variation of the annual approved budget per inhabitant							
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system	
	2019 - 2024	2023 - 2024	2019 - 2024	2023 - 2024	2019 - 2024	2023 - 2024	2019 - 2024	2023 - 2024
Albania	NA	12,3%	114,2%	7,0%	398,4%	22,2%	NA	19,6%
Bosnia and Herzegovina	NA	NA	58,8%	6,7%	NA	NA	48,1%	9,6%
Montenegro	NA	NA	-6,7%	6,3%	NA	NA	48,4%	22,1%
North Macedonia	31,0%	6,4%	40,9%	5,6%	-16,9%	-32,6%	8,9%	10,6%
Serbia	NA	17,3%	NA	11,0%	NA	39,8%	71,2%	42,5%
Kosovo*	32,1%	21,3%	32,4%	21,8%	37,4%	30,1%	30,7%	19,2%
Average	-	12,0%	51,8%	7,3%	-	9,8%	44,2%	20,9%
Median	-	12,3%	49,8%	6,7%	-	22,2%	48,3%	19,6%
Minimum	-	6,4%	-6,7%	5,6%	-	-32,6%	8,9%	9,6%
Maximum	-	17,3%	114,2%	11,0%	-	39,8%	71,2%	42,5%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

In **Albania** and **Montenegro**, mandatory representation in court is not included in the legal aid budget. Since 2023, **Serbia** has included it, explaining the increase in the budget.

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	2024							
	Annual implemented budget (absolute values)				Annual implemented budget (standardised values)			
	Judicial system (1) + (2) + (3)	(1) Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Albania	77 840 056 €	44 794 809 €	681 193 €	32 364 054 €	28,2 €	0,37%	16,2 €	0,21%
Bosnia and Herzegovina	191 985 467 €	141 402 660 €	8 226 146 €	42 356 661 €	56,1 €	0,75%	41,3 €	0,55%
Montenegro	42 658 970 €	30 233 889 €	91 801 €	12 333 280 €	68,4 €	0,62%	48,5 €	0,44%
North Macedonia	54 030 066 €	41 324 116 €	367 217 €	12 338 733 €	29,6 €	0,37%	22,6 €	0,28%
Serbia	424 770 483 €	319 452 413 €	16 099 453 €	89 218 617 €	64,3 €	0,51%	48,4 €	0,39%
Kosovo*	50 009 631 €	32 906 357 €	2 543 287 €	14 559 987 €	31,2 €	0,47%	20,5 €	0,31%
Average	158 257 008 €	115 441 577 €	5 093 162 €	37 722 269 €	49,3 €	0,53%	49,3 €	0,38%
Median	77 840 056 €	44 794 809 €	681 193 €	32 364 054 €	56,1 €	0,51%	56,1 €	0,39%
Minimum	42 658 970 €	30 233 889 €	91 801 €	12 333 280 €	28,2 €	0,37%	28,2 €	0,21%
Maximum	424 770 483 €	319 452 413 €	16 099 453 €	89 218 617 €	68,4 €	0,75%	68,4 €	0,55%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

In **Albania** and **Montenegro**, mandatory representation in court is not included in the legal aid budget.

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per capita from 2019 to 2024 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Evolution of the implemented budget of the judicial system and its components																			
	Judicial system (1) + (2) + (3) per capita					(1) Courts per capita					(2) Legal aid per capita					(3) Public prosecution system per capita				
	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024
Albania	NA	14,9 €	15,8 €	26,7 €	28,2 €	7,5 €	8,2 €	9,2 €	15,1 €	16,2 €	0,02 €	0,09 €	0,11 €	0,17 €	0,25 €	NA	6,7 €	6,4 €	11,4 €	11,7 €
Bosnia and Herzegovina	35,6 €	39,0 €	43,6 €	51,0 €	56,1 €	26,2 €	28,4 €	31,6 €	37,6 €	41,3 €	2,27 €	2,04 €	2,44 €	2,55 €	2,41 €	7,1 €	8,5 €	9,5 €	10,8 €	12,4 €
Montenegro	67,6 €	61,0 €	60,5 €	66,7 €	68,4 €	52,1 €	45,6 €	44,6 €	48,1 €	48,5 €	0,33 €	0,20 €	0,18 €	0,17 €	0,15 €	15,2 €	15,2 €	15,7 €	18,5 €	19,8 €
North Macedonia	21,0 €	22,0 €	24,6 €	26,6 €	29,6 €	15,2 €	17,0 €	19,2 €	20,5 €	22,6 €	0,19 €	0,28 €	0,28 €	0,28 €	0,20 €	5,6 €	4,8 €	5,1 €	5,8 €	6,8 €
Serbia	NA	43,3 €	48,1 €	55,0 €	64,3 €	NA	37,6 €	41,3 €	43,8 €	48,4 €	NA	0,00 €	0,01 €	1,73 €	2,44 €	7,7 €	5,7 €	6,8 €	9,5 €	13,5 €
Kosovo*	24,6 €	23,2 €	23,9 €	25,5 €	31,2 €	15,7 €	15,1 €	15,7 €	16,5 €	20,5 €	1,19 €	0,94 €	0,93 €	1,35 €	1,59 €	7,7 €	7,2 €	7,2 €	7,7 €	9,1 €
Average	41,4 €	36,0 €	38,5 €	45,2 €	49,3 €	25,3 €	27,3 €	29,2 €	33,0 €	35,4 €	0,70 €	0,52 €	0,61 €	0,98 €	1,09 €	8,9 €	8,2 €	8,7 €	11,2 €	12,8 €
Median	35,6 €	39,0 €	43,6 €	51,0 €	56,1 €	20,7 €	28,4 €	31,6 €	37,6 €	41,3 €	0,26 €	0,20 €	0,18 €	0,28 €	0,25 €	7,4 €	6,7 €	6,8 €	10,8 €	12,4 €
Minimum	21,0 €	14,9 €	15,8 €	26,6 €	28,2 €	7,5 €	8,2 €	9,2 €	15,1 €	16,2 €	0,02 €	0,00 €	0,01 €	0,17 €	0,15 €	5,6 €	4,8 €	5,1 €	5,8 €	6,8 €
Maximum	67,6 €	61,0 €	60,5 €	66,7 €	68,4 €	52,1 €	45,6 €	44,6 €	48,1 €	48,5 €	2,27 €	2,04 €	2,44 €	2,55 €	2,44 €	15,2 €	15,2 €	15,7 €	18,5 €	19,8 €

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Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

In **Albania** and **Montenegro**, mandatory representation in court is not included in the legal aid budget. Since 2023, **Serbia** has included it, explaining the increase in the budget.

Table 1.1.6 Variation in % of the annual implemented budget of the judicial system per inhabitant (budget allocated to courts, legal aid and public prosecution services) between 2019 and 2024 and between 2023 and 2024 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	% Variation of the annual implemented budget per inhabitant							
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system	
	2019 - 2024	2023 - 2024	2019 - 2024	2023 - 2024	2019 - 2024	2023 - 2024	2019 - 2024	2023 - 2024
Albania	NA	5,6%	116,4%	7,3%	948,5%	45,8%	NA	2,8%
Bosnia and Herzegovina	57,5%	10,2%	57,7%	10,0%	6,0%	-5,7%	73,4%	14,3%
Montenegro	1,2%	2,5%	-7,0%	0,8%	-55,1%	-12,5%	30,4%	7,0%
North Macedonia	40,8%	11,2%	48,8%	10,1%	4,1%	-27,4%	20,3%	16,9%
Serbia	NA	16,9%	NA	10,4%	NA	40,6%	74,5%	42,4%
Kosovo*	26,7%	22,4%	30,5%	24,4%	33,4%	18,0%	18,1%	18,7%
Average	33,2%	9,3%	54,0%	7,7%	225,9%	8,2%	49,7%	16,7%
Median	40,8%	10,2%	53,2%	10,0%	5,0%	-5,7%	51,9%	14,3%
Minimum	1,2%	2,5%	-7,0%	0,8%	-55,1%	-27,4%	20,3%	2,8%
Maximum	57,5%	16,9%	116,4%	10,4%	948,5%	45,8%	74,5%	42,4%

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Kosovo is not included in the calculation of summary statistics*

In **Albania** and **Montenegro**, mandatory representation in court is not included in the legal aid budget. Since 2023, **Serbia** has included it, explaining the increase in the budget.

1.1 Courts' Budget - Categories

Table 1.2.1 Categories of the approved court budget in 2024 - Absolute values in € (Q4)

Beneficiaries	Categories of the annual approved court budget in 2024 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Albania	46 160 369 €	34 200 326 €	NA	NA	NA	NA	NA	NA	NAP	NA
Bosnia and Herzegovina	151 174 313 €	121 014 473 €	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	29 451 840 €	23 652 158 €	273 155 €	174 215 €	98 940 €	NAP	68 271 €	41 941 €	12 132 €	5 404 180 €
North Macedonia	41 307 472 €	33 968 825 €	1 202 724 €	912 583 €	290 140 €	1 067 227 €	1 764 987 €	337 521 €	NAP	1 763 465 €
Serbia	323 956 932 €	208 452 838 €	7 422 294 €	2 119 978 €	5 302 316 €	26 252 063 €	21 078 177 €	1 845 927 €	463 821 €	58 441 812 €
Kosovo*	34 531 843 €	25 302 187 €	615 000 €	300 000 €	315 000 €	494 760 €	190 000 €	3 230 523 €	32 000 €	4 667 373 €
Average	118 410 185 €	84 257 724 €	2 966 058 €	1 068 925 €	1 897 132 €	-	7 637 145 €	741 796 €	-	21 869 819 €
Median	46 160 369 €	34 200 326 €	1 202 724 €	912 583 €	290 140 €	-	1 764 987 €	337 521 €	-	5 404 180 €
Minimum	29 451 840 €	23 652 158 €	273 155 €	174 215 €	98 940 €	-	68 271 €	41 941 €	-	1 763 465 €
Maximum	323 956 932 €	208 452 838 €	7 422 294 €	2 119 978 €	5 302 316 €	-	21 078 177 €	1 845 927 €	-	58 441 812 €

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Kosovo is not included in the calculation of summary statistics*

Table 1.2.2 Categories of the implemented court budget in 2024 - Absolute values in € (Q4)

Beneficiaries	Categories of the annual implemented court budget in 2024 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Albania	44 794 809 €	33 571 621 €	3 409 168 €	1 769 479 €	1 639 689 €	375 903 €	2 653 421 €	0 €	NAP	4 784 696 €
Bosnia and Herzegovina	141 402 660 €	116 834 299 €	1 771 449 €	1 313 765 €	457 684 €	736 898 €	9 796 711 €	47 711 €	113 842 €	12 101 750 €
Montenegro	30 233 889 €	22 683 841 €	227 887 €	142 700 €	85 187 €	NAP	66 938 €	30 847 €	1 348 €	7 223 027 €
North Macedonia	41 324 116 €	33 880 521 €	1 202 724 €	912 583 €	290 140 €	1 067 226 €	1 764 987 €	337 521 €	NAP	1 868 414 €
Serbia	319 452 413 €	207 205 094 €	6 897 146 €	1 723 523 €	5 173 623 €	26 150 216 €	20 380 036 €	1 132 191 €	444 806 €	57 242 924 €
Kosovo*	32 906 357 €	25 259 565 €	482 141 €	251 238 €	230 903 €	472 724 €	130 636 €	2 206 367 €	0 €	4 354 924 €
Average	115 441 577 €	82 835 075 €	2 701 675 €	1 172 410 €	1 529 265 €	7 082 561 €	6 932 419 €	309 654 €	186 665 €	16 644 162 €
Median	44 794 809 €	33 880 521 €	1 771 449 €	1 313 765 €	457 684 €	902 062 €	2 653 421 €	47 711 €	113 842 €	7 223 027 €
Minimum	30 233 889 €	22 683 841 €	227 887 €	142 700 €	85 187 €	375 903 €	66 938 €	0 €	1 348 €	1 868 414 €
Maximum	319 452 413 €	207 205 094 €	6 897 146 €	1 769 479 €	5 173 623 €	26 150 216 €	20 380 036 €	1 132 191 €	444 806 €	57 242 924 €

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Kosovo is not included in the calculation of summary statistics*

Table 1.2.3 Distribution of the implemented court budget by categories in 2024 (Q4)

Beneficiaries	Distribution of the implemented court budget by categories in 2024								
	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
		Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Albania	74,9%	7,6%	4,0%	3,7%	0,8%	5,9%	0,0%	NAP	10,7%
Bosnia and Herzegovina	82,6%	1,3%	0,9%	0,3%	0,5%	6,9%	0,0%	0,1%	8,6%
Montenegro	75,0%	0,8%	0,5%	0,3%	NAP	0,2%	0,1%	0,0%	23,9%
North Macedonia	82,0%	2,9%	2,2%	0,7%	2,6%	4,3%	0,8%	NAP	4,5%
Serbia	64,9%	2,2%	0,5%	1,6%	8,2%	6,4%	0,4%	0,1%	17,9%
Kosovo*	76,8%	1,5%	0,8%	0,7%	1,4%	0,4%	6,7%	0,0%	13,2%
Average	75,9%	2,9%	1,6%	1,3%	3,0%	4,7%	0,3%	0,1%	13,1%
Median	75,0%	2,2%	0,9%	0,7%	1,7%	5,9%	0,1%	0,1%	10,7%
Minimum	64,9%	0,8%	0,5%	0,3%	0,5%	0,2%	0,0%	0,0%	4,5%
Maximum	82,6%	7,6%	4,0%	3,7%	8,2%	6,9%	0,8%	0,1%	23,9%

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Kosovo is not included in the calculation of summary statistics*

1.1 Donors' Contributions

Table 1.3.1 Estimated percentage of the external donor's contribution compared with the components of implemented judicial system between 2019 and 2024 (Q11)

Beneficiaries	Estimated percentage of the external donor's contribution compared with the components of implemented judicial system														
	2019			2021			2022			2023			2024		
	Courts	Legal aid	Public prosecution system	Courts	Legal aid	Public prosecution system	Courts	Legal aid	Public prosecution system	Courts	Legal aid	Public prosecution system	Courts	Legal aid	Public prosecution system
Albania	NA	NA	NA	NA	NA	NA	0,0%	0,0%	0,0%	NAP	NAP	NAP	NAP	92,0%	NAP
Bosnia and Herzegovina	NA	NA	NA	3,0%	6,0%	8,0%	2,0%	5,0%	5,0%	2,0%	5,0%	3,0%	2,0%	9,0%	3,0%
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	NAP	NAP	NAP	1,0%	49,0%	8,0%	2,0%	20,0%	11,0%	NAP	NAP	NAP	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	4,1%	NA	NA	NA	NA	NA
Kosovo*	NAP	NAP	NAP	0,0%	0,0%	0,1%	0,11%	2,80%	6,24%	0,9%	0,5%	2,2%	0,7%	NA	0,3%
Average	-	-	-	-	-	-	1,3%	8,3%	5,3%	-	-	-	-	-	-
Median	-	-	-	-	-	-	2,0%	5,0%	5,0%	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	0,0%	0,0%	0,0%	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	2,0%	20,0%	11,0%	-	-	-	-	-	-

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Kosovo is not included in the calculation of summary statistics*

Indicator 1 - Budget

by country

Question 4. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.
Question 5. If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:
Question 6. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.
Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.
Question 11. If you cannot provide the amount of external donor's contribution (specified in question 10), please provide an estimation of the ratio of this amount within the total implemented budget:
Question 12. Annual approved public budget allocated to legal aid, in €.
Question 13. Annual implemented public budget allocated to legal aid in €.

Albania
Q004 (2024): 6. The budget for the training of magistrates is part of the budget of the School of Magistrates.
7. This figure is specifically relevant:
Office service costs (Letter, Office, toners, etc.), 642,535
Diet Travel Expenses, 177,698
Transportation services, 463,269
Other maintenance and operating costs (execution of court decisions, payment of taxes and duties, banking commission, diplomatic service passport, transfers to individuals for assistance, other expenses), 2,379,415
Other investment expenses (reconstruction of existing buildings, purchase of office furniture, purchase of transport vehicles), 1,121,779

Q004 (2023): Office service costs (Letter, Office, toners, etc.)NA 478,436
Diet Travel ExpensesNA120,312
Transportation servicesNA 418,063
Expenditure on security guardsNA941,832
Software programNA1,235,676
Other maintenance and operating costsNA3,828,514
Annual public budget allocated to the HJC 3,405,004 3,085,103
Annual public budget allocated to the CIT 125,144450,341 Total - Annual public budget allocated to the judicial system46,668,824 44,900,772 The budget for the training of magistrates is part of the budget of the School of Magistrates.
Annual public budget allocated to the HJC figure is relevant for the budget of the HJC which is separate from the budget of the courts.
Annual public budget allocated to the CIT figure is relevant for the budget of the CIT as a special program.
Total - Annual public budget allocated to the judicial system figure is relevant for the entire budget of judicial system, which consists of three programs (courts, CIT and HJC)
The exchange rate is 1 Eur = 103.88 ALL, resource Bank of Albania 29.12.2023
Explanations for the variations:
Salaries + 74%
Changes and increases in salaries budget come as a result of changes in legislation on salary specifically:
Law no. 33/2023 “For a change in the law no. 96/2016 on the status of judges and prosecutors in the Republic of Albania", changed, which changed the salaries of magistrates.
Decision no. 325, dated 31.5.2023 “For the approval of the structure of wages, salary levels and other allowances above salary of deputy minister, cabinet officers, prefect, sub-prefect, civil employees and employees in some institutions of Public Administration” and Decision no. 326, dated 31.5.2023” For employees' salaries supporters and employees of other specialties of different in some institutions of public administration”, of the Council of Ministers.
The change in the official exchange rate, which from 1 euro = 115 lek in 2022, became 1 euro = 103.8 lek in 2023.
Investments in computerisation + 884%
IT maintenance +252%
In the framework of the implementation of new software systems, the High Judicial Council has focused its investments in the purchase of electronic equipment.
The change in the official exchange rate, which from 1 euro = 115 lek in 2022, became 1 euro = 103.8 lek in 2023.
Court building maintenance -50%
As part of the implementation of the new judicial map, which ended in 2023, the courts have been in the process of restructuring, which has led to a decrease in funds for building

Q004 (2022): Total - Annual public budget allocated to the judicial system = TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) + Annual public budget allocated to the HJC + Annual public budget allocated to the CIT regarding the specific figures there is a discrepancy of 1 Euro. ;Total Annual public budget allocated to the judicial system: 27,824,922+ 2,385,360 +39,509 = 30,249,791
The training in courts is divided in 2 different parts, the training of magistrates is done by the School of Magistrates with their own budge, while the training of all non-magistrate staff is done by the HJC, for different reasons the budget this year has been planned as 0.
7. Other (please specify): Office service costs (Letter, Office, toners, etc.) 651,478
Diet Travel Expenses: Implemented budget 69,635
Transportation services: Implemented budget 361,252
Expenditure on security guards: Implemented budget 700,670
Software program Implemented budget 2,683,887
Other maintenance and operating costs Implemented budget 1,784,801
Annual public budget allocated to the HJC Approved budget (in €) 2,385,360; Implemented budget (in €) 2,153,634
Annual public budget allocated to the CIT 39,509 18,226
Total - Annual public budget allocated to the judicial system:
Approved budget (in €) 30,249,790
Implemented budget (in €) 27,879,965

Q004 (2021): Other expenses include: Office service costs (Letter, Office, toners, etc.) 1,456,599, Diet Travel Expenses 49,500, Transportation services 302,042, Expenditure on security guards 710,995, Maintenance 503,604, Software program 475,221, Other maintenance and operating costs 1,199,516
Q004 (2020): Figures given above are related to courts' budget only.
Q006 (2023): The data for the implemented budget "Implemented budget" for the year 2023 are approximate and were obtained from the AFMIS system until 22.01.2024. This figure is not final as the Treasury Office responsible for confirming this data will publish this figure in February 2024.
In the first column, we planned the budget at the beginning of the year.
In the second column, we have the actual realization of budget funds during the year 2023.
The revised budget during the year is 32,016,181 euros due to institutional needs.
The increase in this budget has come as a result of additions during the year 2023 of funds for personnel expenses for the payments of magistrates and officers in implementation of the Decision
no. 35 of the Constitutional Court for wrongly calculated salaries.
Q006 (2021): At the prosecution, office there is no budget allocated to training of public prosecution services. Please note that training of judges and prosecutors is allocated to the budget of School of Magistrates.
The difference between approved budget and implemented budget consists mainly in savings of payments due to the vetting process (dismissal of prosecutors, some vacancies of administrative staff and prosecutors, savings from building reconstructions, etc
Q010 (2024): The answer is NAP (Not Applicable) since no donor funds were directly allocated to prosecution offices of general jurisdiction for the year 2024 as part of prosecution annual budget.

Q010 (2022): During 2022 there have been no external donor's contributions, included in courts' budgets.
Q010 (2020): The above budget is the amount spent by the EU technical assistance mission EURALIUS, aiming to support the implementation of justice reform in Albania for 2020. However, please note that there are at least two other major projects aiming to support the justice system, one implemented by Council of Europe in Albania and the other by a contractor of USAID. However, no data are available for these project.
Q011 (2024): The answer is NAP (Not Applicable) since no donor funds were directly allocated to prosecution offices of general jurisdiction for the year 2024 as part of prosecution annual budget.
Q011 (2022): The exact answer is NAP we have not had any external donor fund.
Q011 (2020): 9 percent
Q012 (2024): The legal aid implemented budget has increased by 8.6% compared to the previous year.
Cases brought to the court, we have referred to cases of secondary legal assistance (payment of lawyers, experts who have provided secondary legal services). The rest is considered as providing advice and any other financial commitment in function of the institution's activity. The further increase is related to the fact of the opening of the primary legal aid service provision centers throughout the Republic of Albania and the changes in the legislation on employee salaries.
Q013 (2023): We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.
Q013 (2021): Performance throughout 2021, the first year of full capacity operation of the free legal aid mechanism, has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid and exemption from court fees and costs. We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

Q013 (2020): The above data is referred to the implemented/ allocated budget of Free Legal Aid Directorate for 2020. The difference between allocated budget and implemented budget has come as a result of delays in the recruitment of FLAD staff but also employees of primary legal aid service centers in the districts of the Republic of Albania. Also, another factor is related to the financing procedures of 12 authorized non-profit organizations which provide primary legal aid, a procedure which is expected to start in March 2021.
Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerate number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. (the Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision). Hence, all these activities, were supported by an increased budget.

Bosnia and Herzegovina

Q004 (General Comment): Data on the approved budget are classified according to the economic classification adopted by the ministries of finance. The data regarding the approved budget is classified in a way that allows obtaining data only on the following elements that relate to question 4:
-TOTAL - Annual budget allocated to the functioning of all courts, and -1. Annual public budget allocated to (gross) salaries. The classification used for budget approval does not allow to obtain data on other elements referred to in question 4.
The reports on execution budgets make it possible to distinguish budget figures for all the elements in the table. The amounts of all items are calculated using the budget execution reports as the best possible estimation.
Q004 (2024): 7. Other
The budget allocated for other purposes includes funds allocated for employee benefits such as sick leave, maternity leave and various other benefits. Also, the budget allocated for other purposes includes provisions for deposits. Provisions for retained bails and deposits are reported as long-term provisions for costs that will occur with great certainty in the coming years on the basis of retained bails and deposits. All of these costs can vary significantly from year to year.
Q004 (2023): Q4.
5. Annual public budget allocated to investments in new (court) buildings.
In 2023, a large investment in court buildings in the area of the Posavina Canton was realized. Since no investments in new buildings were recorded in other courts in Bosnia and Herzegovina, there was a significant increase in the allocated budget for this purpose compared to 2022.
7. Other
The budget allocated for other purposes includes funds allocated for employee benefits such as sick leave, maternity leave and various other benefits. Also, the budget allocated for other purposes includes provisions for deposits. Provisions for retained bails and deposits are reported as long-term provisions for costs that will occur with great certainty in the coming years on the basis of retained bails and deposits. All of these costs can vary significantly from year to year.

Q004 (2022): There are two reasons why the amounts allocated for judicial expenses and training in 2022 are higher compared to the amounts allocated in 2021. First, after operating at a limited capacity in 2021 due to the COVID-19 pandemic, the courts continued to operate at full capacity in 2022. Secondly, due to inflation, a significant increase in the prices of services was recorded in 2022, and therefore the services of expertise, interpretation and training have become more expensive. In several courts, the amount of funds allocated for these purposes increased by more than 100% in 2022 compared to 2021
As regards investment in new buildings, the amount of funds allocated for the construction of new court buildings fluctuates from year to year, because it directly depends on the amount of funds donated for this purpose.

Q004 (2021): 5. Annual public budget allocated to investments in new (court) buildings: Based on the insight into the implemented budgets for 2021, it is evident that the amount of annual public budget allocated to investments in new (court) buildings has significantly decreased compared to 2020. The decline in investments is due to the slow process of public procurement in the last two years, which is a result of the COVID-19 outbreak. Other costs are the expenditures such as travel expenses and the costs for the purchase of office material and office equipment.

Q004 (2020): The annual public budget allocated to the functioning of courts is different from actually implemented budget mainly because the courts could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. In addition, one of the highest courts could not implement the allocated budget for setting up the new department for organized crime and corruption cases, because the new department has not been established. Furthermore, the implemented annual public budget for training and investments in new court buildings declined considerably in 2020 compared to 2019, because the courts could not use all of the funds allocated for these purposes due to the reduction of the relevant activities in the context of the measures undertaken against the spread of COVID-19 pandemic. Other costs are the expenditures such as travel expenses and the costs for the purchase of office material and office equipment.

Q004 (2019): Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest instance courts has not been implemented. There is no continuity of planning budget funds for the construction of new court buildings. For this reason, the amount of funds spent for this purpose can vary significantly. That is the explanation for the variation in the implemented budget for investments in new (court) buildings. Other costs are the expenditures for travel expenses and purchase of office material and office equipment.

Q006 (General Comment): The annual public budget allocated to training of public prosecution services was calculated on the basis of the data of the prosecutor's offices on the funds spent in the reporting year for the procurement of professional literature and the like. These amounts can vary significantly from year to year. This figure does not include the funds spent by judicial training centers and international donors for prosecutors' trainings.
Q006 (2024): The annual public budget allocated to training of public prosecution services was calculated on the basis of the data of the prosecutor's offices on the funds spent in the reporting year for the procurement of professional literature and the like. These amounts can vary significantly from year to year. This figure does not include the funds spent by judicial training centers and international donors for prosecutors' trainings.
Q006 (2022): Some prosecution offices allocated a smaller amount of funding in connection with the training in the reporting year. However, the disparities in training funding for 2022 compared to 2021 are not significant considering the small value of absolute amounts the prosecution offices generally allocate for this purpose.
Q006 (2020): The annual public budget allocated to the functioning of all prosecutors' offices is different from actually implemented budget mainly because the prosecutors' offices could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. Also, the allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented, because the new unit has not been established. The implemented annual public budget for training of public prosecution services declined considerably in 2020 compared to 2019, because the prosecutors' offices could not use all of the funds allocated for this purpose due to the reduction of the training activities in the context of the measures undertaken against the spread of COVID-19 pandemic.
Q006 (2019): The annual public budget allocated to the functioning of all prosecutors' offices from actually implemented budget is different mainly due to the following reasons: Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented.

Q010 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina during 2019 implemented donor funded project activities aimed at reforming the courts and the public prosecution service in the amount of 2820650 EUR. Source of information is the HJPC annual report for 2019.
Overall amount of funds used to finance donor activities which are implemented by the international organisations (e.g. United States Agency for International Development, World Bank, etc) is not available since the HJPC is not implementing them.

Q011 (2024): Donor funds are not included in the budgets of the courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are the European Commission, UN, Sweden, Norway, and Switzerland.
Q011 (2023): Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are: the European Commission, USAID, Sweden, Norway, and Switzerland.
Q011 (2022): Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are: the European Commission, USAID, Sweden, Norway, and Switzerland.
Q011 (2021): External donors provide funding for the IT system in judiciary and aimed at improving functioning of judiciary. Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a non-governmental organization that provides legal aid throughout Bosnia and Herzegovina. The biggest donors are: the European Commission, Sweden, Norway, Switzerland, and USAID.
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Q012 (General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Q013 (General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Montenegro

Q004 (2024): The difference is related to executions through the Ministry of Finance (experts and lawyers), which are charged by compulsory means.
7. THE OTHER INCLUDES: OTHER PERSONAL INCOME, JUBILEE AWARDS, severance pay, AID, SEPARATE LIFE, ADMINISTRATIVE MATERIAL, FUEL, ENERGY, COMMUNICATION SERVICES, LAWYER SERVICES, CONSULTING, BANKING SERVICES, INSURANCE,EMPLOYMENT CONTRACT, UTILITY SERVICES..

Q004 (2023): Other includes: other personal income, jubilee awards, separation, aid, separate life, administrative material, fuel, energy, communication services, lawyer services, consulting, banking services, insurance, contract of work, utility services

Q004 (2022): -Differences relate to the enforcements via the Ministry of Finance (court experts and lawyers expenses) payed through enforcement procedures (e.g. baillifs etc.)
- Other costs are other personal incomes, jubilee awards, severance payments, one time assistance payments, separate family life bonus, administrative/office material, fuel costs, energy bills, communication services, lawyer services, consulting services, banking services, licenses, insurances, employment contracts, utilities etc.

Q004 (2021): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.
“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay... (Source: Judicial council)
Since 2018 there has been an increase in the budget allocated to courts buildings (maintenance, operating costs) which is due to the fact that the requests of courts for more funds for this purpose were approved during the preparation of the courts budget.

Q004 (2020): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.
“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay... (Source: Judicial council)
Since 2018 there has been an increase in the budget allocated to courts buildings (maintenance, operating costs) which is due to the fact that the requests of courts for more funds for this purpose were approved during the preparation of the courts budget.
Discrepancy clarifications:
-Annual public budget allocated to court buildings (maintenance, operating costs) - There was an increase in the monetary amount due to the adaptation of official premises in several Montenegrin courts.
-Annual public budget allocated to investments in new (court) buildings - There was an increase in the monetary amount due to the fact that construction works were carried out on the building of the Commercial Court of Montenegro on the adaptation of the building itself.
-Annual public budget allocated to training - There was a decrease in the said amount due to the fact that this year a smaller number of trainings was conducted compared to the previous reporting because of the COVID-19 pandemics.

Q005 (2020): In 2020, courts did not have individually allocated amount for providing free legal aid, namely this is included in the account 4146 – Lawyer, notary and legal services.

Q006 (2024): The Law on the Budget of Montenegro has allocated €13,685,205.86 to the spending unit of the Prosecutorial Council for 2024, for the implementation of activities through two programs:
*Program 12005- Work of the Prosecutor's Office – €12,585,902.90 (17 activities, i.e. 17 state prosecutor's offices)
*Program 12024- Regulation and management in the justice system – €1,099,302.96 (2 activities, i.e. the Secretariat of the Prosecutorial Council and the Prosecutorial Council).
After the transfer of funds from the current budget reserve and the redirection of funds by the Ministry of Finance, the current budget amounted to €14,478,380.05. Namely, by the decision of the Government of Montenegro, €42,000.00 was redirected from the current budget reserve to the Special State Prosecutor's Office, €14,000.00 for fuel and €28,000.00 for vehicle maintenance costs. The Ministry of Finance diverted €751,174.19, which was the amount of expenses based on the court collection of creditors.

Q006 (2023): difference between approved and implemented is because there were additional transfers from state budget to Prosecution during a budget year
Q006 (2020): The difference between the approved and implemented budget was due to the budget rebalance, all pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro 61/2020 as of 24 June 2020).

Q010 (2021): National IPA projects
1.IPA 2014 “EU Support to the Rule of Law II” – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.
Duration: 36 months (Implementation of the Project officially began in April 2017).
Budget: 2,8 mil € 2.“Analysis of access to justice for citizens and companies in Montenegro aimed at results”
Overall objective: strengthening of the judiciary system in line with EU standards and providing analytical and advisory inputs to enable adjustment of the strategy framework for improving the performance of the justice system. Focus on updating of the Action Plan for Chapter 23 and the Action plan for the implementation of the national Justice Reform Strategy (2014-2018).
Duration: 10 months
Budget: 300.000 €
Multi-beneficiary IPA projects
1.WB20-MNE-SOC-01 „Construction of prison in Mojkovac: Review of the Feasibility Study, preparation of Preliminary design, EIA Study, Main Design and Tender Dossiers“ Overall objective: preparation of the technical documentation for the construction of one of the priority infrastructure projects in Justice Sector – prison in Mojkovac.
Budget: 1.2 mil €
2.EU/CoE “Horizontal facility for Western Balkans and Turkey” – Phase II
2.1.“Accountability and professionalism of the judicial system“
2.2.„Action against economic crime“
2.3.„Improved procedural safeguards in judicial proceedings“
2.4.„Further enhancing human rights protection for detained and sentenced persons“
2.5.“Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans”
2.6.„Dashboard Western Balkans“
3.IPA 2017 Regional project „Fight against serious crime in the Western Balkans“
Overall objective: Increasing efficiency and cooperation between the regional and national institutions in fight against serious and

Q010 (2020): National IPA projects
1.IPA 2014 “EU Support to the Rule of Law II” – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.
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2.5.“Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans”
2.6.„Dashboard Western Balkans“
3.IPA 2017 Regional project „Fight against serious crime in the Western Balkans“
Overall objective: Increasing efficiency and cooperation between the regional and national institutions in fight against serious and organized crime. Duration: January 2018- March 2020
Given the complexity and importance of the Rule of Law system in the context of reform activities in Montenegro, a number of projects and activities are taking place with the

Q012 (2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur
Q012 (2020): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately.
Q013 (2024): Courts in 2024 had an individually determined amount for providing BPP, it is contained within account 4146-advocate services and it amounted to €145,517.85. In 2024, €91,801.16 was realized for free legal aid. The remaining funds in the amount of €53,716.69 were returned to the State Treasury.

Q013 (2023): Not including ex officio mandatory representation. Legal aid is different specific category
Q013 (2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur
Q013 (2020): A smaller number of requests for free legal aid were adopted, thus less money was spent.

North Macedonia
Q004 (General Comment): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc.
Q004 (2024): Investments in new court buildings are expenses for renovating a few existing courts(new facades, replacement of windows, reconstruction of installations, etc.). For Investments in new court buildings, the observed discrepancy is due to a smaller number of reconstructions of courts in 2024 compared to 2023. Regarding the Investments in computerisation, the increase is the result of the introduction of a new system for audio recording in courtrooms and the procurement of 365 PC units. Concerning Other expenses, the decrease is attributed to the reduction of budget lines for payments related to final decisions on labour disputes initiated by employees in the judiciary and a decrease in travel expenses.
Q004 (2023): After the investments in ICT made in the previous year, additional resources were allocated to maintain the new system. Regarding investments in new court buildings, the increase is attributable to expenses for renovating a few existing courts.
Q004 (2022): The court budget includes only the budget of all courts.
2. North Macedonia in 2022 allocated huge budget to investments in computerization (replacement of all old servers in all the courts and in the Judicial Council with new servers, 308 new computers, new laptops, 212 new printers, 64 new scanners, new softwares (for example: for evaluation of judges).
4. Maintenance of the court buildings and operating costs in 2022 are higher due to new prices of gas and electricity in our country and on the world level, as a consequences from COVID-19 and war in Ukraine.
5. In 2022, the renovation of the new building of Administrative court was finished. That was the second phase of the plan with smaller allocated budget for finishing the project, since the budget of first phase of the plan was larger and implemented in 2021.
7. All the prices and costs in 2022 are higher due to inflation. Please, see also explanation for category 4.
Q004 (2021): 2. In 2020 the courts were supplied with more IT equipment.
3. The expenses are higher due to higher amount of court expertise.
4. Expected increased amount of bills. 5. Reconstruction of the building of the Administrative court.
7. No supply on new cars and all cost are decreased because other expenses in other lines are higher.

Q004 (2020): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc. The court budget includes only the budgets of all courts.
The decreasing of the court budget in 2020 in total is due to the fact that with the rebalance of the budget in 2019, about 2 million euros were provided for non paid allowances on the judges from the previous years. This allowances were paid in 2019.
Regarding the line 3 which refers to the justice expenses, the significant reduction of the total amount is due to the fact that according to the Law on Criminal Procedure, costs for court expertise are no longer paid by the court budget. Now they are paying by the PPO Budget. From the court budget now are only paying court expertise for old cases which are long time in the system, before the new Law on criminal procedure start with implementation. In 2020, the number of this type of old cases for which the expertise was paid by the courts was significantly lower compared to previous years.
Regarding the line 5 (New court buildings), in 2019 money were provided for the renovation of the building of the Administrative Court. However, the renovation of the building was not realized, due to administrative-technical problems. In the 2020 budget, money for this purpose were not provided.
Line for training is not included here, but in the questions about the Academy for judges and public prosecutors.
Q006 (2023): The increase in the total budget is due to increased salaries
Q006 (2020): Presented budget is lower in comparison with last year, because approximately 4 million euros were distributed for the Special Public Prosecution office last year. The SPO is not exist anymore in the Macedonian justice system.
Q010 (2024): We have a lot of international projects supporting whole justice system with special emphasize of the judiciary. Taking into account that all of the projects are planned for two or more years and they cover different areas, it is not possible to answer specific subcategories defined in the question. Some projects are planned to finance defined activities for more countries. Presented figure is for all above mentioned categories. Methodology used: absolute amount of each project is divided by number of years of implementation of each project. Total amount is 33 015 175 euro, covering multiple projects.
Q010 (2023): We have a lot of international projects supporting whole justice system with special emphasize of the judiciary. Taking into account that all of the projects are planned for two or more years and they cover different areas, it is not possible to answer specific subcatregories defined in the question. Also some projects cover judiciary and justice system, but also institutions that not belog to judiciary and justice systems. Some projects are planned to finance defined activities for more countries. Presented fugure is for all above mentioned categories. Methodology used: absolute ammount of each project is divided by number of years of implementation of each project. Please find attached details for each project:
Q010 (2022): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2022, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union’s IPA programe in particular. Regional projects are included in the total amount.

Q010 (2021): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2021, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programme in particular.
The amount is lower in the column budget allocated to courts in comparison to the last year, because for many of the projects where a larger amount of funds was allocated (ex. projects related with supply on equipment) finished at the end of 2020.
All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2021 by the external donors in North Macedonia were: Regional Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit Financial Flows, Countering Serious Crimes in the Western Balkans-IPA 2019, Open Regional Fund for SEE-Legal reform, Regional project Enhancing penitentiary capacities in addressing radicalisation in prisons in Western Balkans, Regional project: iPROCEEDS – Targeting crime proceeds on the Internet in South Eastern Europe and Turkey.

Q010 (2020): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2020, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programme in particular. Most of the projects started with implementation in 2019. For example, if the project last 24 months and started in June 2019 till June 2021, then according to the formula from the explanation note the higher amount from the project budget was spent in 2020. This is the reason, why in 2020 the budget is higher in comparison with 2019. Also, new projects started with implementation in 2020.
All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2020 by the external donors in North Macedonia were: Regional Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit Financial Flows, Countering Serious Crimes in the Western Balkans, Open Regional Fund for SEE-Legal reform, Building capacities of South Eastern Europe to conduct financial investigations to effectively detect, deter and prosecute money laundering and the financing of terrorism as well as enhance regional and inter-agency cooperation, Promoting rule of law and good governance through targeted border control measures at ports and airports.

Q011 (2022): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 13 and 7 multiplied by 100.
Budget allocated to the whole justice system is 0,7
Q011 (2020): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 12/13 and 7 multiplied by 100.
Q012 (2024): This discrepancy is result of decrease of budget within of Ministry of Justice dedicated to free legal aid

Q012 (2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are calculated according to the Lawyers tariff, which was not a case in the previous years.

Q012 (2020): Provided data from courts and Ministry of Justice.
Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.
For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total budget for free legal aid. Because of that it not possible to be given separately.
Q013 (2024): The amount of the approved budget was exceeded due to an increased number of requests and amounts, and payments were made from other lines of the budget of the Ministry, through repurposing.
Q013 (2023): In 2023, more criminal cases brought to court were concluded. The rise in the budget allocated to criminal cases may also be attributed to the complexity of these cases and their longer durations, resulting in higher expenses for lawyers.
Q013 (2022): Implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in our country.
Q013 (2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are payed according to the Lawyers tariff, which was not a case in the previous years.
Q013 (2020): The budget for the legal aid in criminal cases is composed by: the budget for ex-officio lawyers according to the Law on Criminal procedure and the poor law budget. There are no other criminal cases, except criminal cases brought to court.
A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.

Serbia
Q004 (General Comment): The budget system of RS provides for unified collection of court fees, which are all paid to one account. The collected court fees are a revenue of the Republic of Serbia, from which 40% is allocated to the High Judicial Council for current expenses of the courts, except for expenses for court staff and staff at the public prosecutor's office, and 20% is allocated to the Ministry of Justice to improve the financial situation of employees in the courts and the public prosecutors' offices who are court staff and the staff of the Public Prosecutor's Office, other expenditures as well as investments in accordance with the law. Therefore, the amounts which the High Judicial Council and the MoJ transfer to the courts for various items in Q6 also come from court fees. Addition to this it is important to emphasise that the notary public is obliged to pay the amount of 30% of the collected prize without VAT, to the account prescribed for the payment of public revenues, within 15 days from the day of collection.
The referred amount is distributed for the current expenses of the courts and the improvement of the material position of the employees in the courts, as well as other expenses and investments for the courts, in accordance with the law.

Q004 (2024): point 7. - Comment by the High Judicial Council: Includes expenses for personal salaries of judges (compensation of expenses for judges, solidarity assistance, jubilee awards and severance pay for retirement), expenses for mandatory taxes, fines and penalties pursuant to court decisions, compensation for damage caused by state authorities, collective insurance of property and employees in courts, financial compensation for non-property damage caused by violation of the right to a trial within a reasonable time based on agreements concluded with the attorney's office.
We did not include donations, this is the information provided to us by the Supreme Court (31,406 euros approved and 12,990 euros implemented)
Q004 (2023): High judicial Council budget + MoJ budget
Q004 (2022): Other: Seminars of judges, transportation, accommodation, solidarity aid, anniversary award, severance payments, new furniture, etc.
Q004 (2021): E.g. New furniture
The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.
Q004 (2020): Other: Additional furniture for new court buildings
Part of the legal aid budget is included in "justice expenses" and cannot be calculated separately
Q006 (2023): Regarding the question annual public budget allocated to training of public prosecution services please note that this funds is provided through the Judicial Academy budget, due to the judicial Academy jurisdiction which is training in the whole Serbian Judiciary.

Q006 (2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.
Q010 (2023): The budget allocated for co-financing reconstruction of the Judicial Academy building is 3.969.561,44 EUR
The budget allocated for co-financing the building for courts and prosecutors offices (criminal departments) in the city of Novi Sad - is 13.078.394,00

Q010 (2020): EU projects can only present data from financial reports adopted by the Audit / Control, and the reporting period does not coincide necessarily with the calendar year. Namely, as the reports are submitted every 6 months, in this review it is possible to present data in relation to the following two periods (according to the approved financial reports): November 1, 2018-31. October 2019 = 565,656 (for the period of 12 months)
November 1, 2019-31. October 2020 = 863,544 (for the period of 12 months).
Data for the period running from 1 November 2020 will be known at the end of that period (March 2021), upon adoption by the Audit.
Within the Component 3 of IPA 2013 project, which dealt with corruption repression, joint trainings for prosecution, courts, MoI and other state authorities were organized. It is not possible to divide costs per each institution. USDOJ / OPDAT was organized joint trainings for prosecution, courts and MoI, and it is not possible to divide cost for each institution. Also, certification courses for fraud and money laundering (82 454 EUR) was organsied for representatives of different state authorities (MoI, prosecution, etc.), whose costs is not possible to devide. Within the item „donation of equipment and vehicles (total amount of eur 250.393), there is donation to the Main Group for fighting human trafficking that consist of MoI, Prosecution for organized crime, where is not possible to divide costs (eur 41 458), as well as donation of equipment and vehicles for Specialized departments for suppression of corruption, which is only dedicated to the prosecution (eur 208 935).
USAID GAI noted that there is no possibility to divide budget per institutions for 2019 and 2020, and that part of activities is being implements with funding from other donors.
OEBS organized joint trainings for courts, prosecution and MoI, and implemented budget is not possible to divide . OEBS Project Strengthening capacities of Serbian police in a fight against corruption, Phase 2 is primarily supported MoI, but there were organized joint trainings for MoI and prosecution, and implemented budget is not possible to divide.
Council of Europe Project Preventing money laundering and financing of terrorism in Serbia has been officially started 2020, but for the objective circumstances, implementation of activities started in November 2020. Within this period implementation of activities .started with other beneficiary institution's, and support to the RPPO is planned for 2021. The number Budget allocated to the whole justice system (question 7)- 3,941,467.

Q012 (2023): Annual approved public budget for the High Judicial Council for mandatory defense 11536009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.
Q012 (2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.
Q012 (2020): TOTAL - Annual approved public budget allocated to legal aid (1 + 2) Total budget approved for 2020 was 6 million EUR. Nevertheless, due to COVID 19 and the fact that the budget was not spent during that budgetary year, there have been some adjustments to the total amount. 1. for cases brought to court (court fees and/or legal representation)
2. for cases not brought to court (legal advice, ADR and other legal services)
Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government budget. The actual payment takes place following the completion of a certain phase of the proceedings. Given that the law started implementation on October 1st 2019, most cases brought to court have not yet been finalized.
Q013 (2024): We received all the information from the relevant institutions.
Q013 (2023): Official data obtained from the Sector for financial affairs in the MOJ
Annual implemented public budget for the High Judicial Council for mandatory defense 11469009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.

Q013 (2022): Please note that the total amount refers only to the cases of granted free legal aid according the Law on free legal aid. This amount does not cover the free legal aid that was provided according to the Criminal Procedure Code (mandatory defense, etc.)
Q013: TOTAL - Annual implemented public budget allocated to legal aid (1 + 2) - 92056 euros. A greater number of cases of free legal aid in 2022 resulted in a greater amount of money spent on the provided free legal aid. The amount for 2022 is higher compared to the previous two years, taking into account that during 2022 all measures against covid-19 were canceled.
Q013 (2021): The budget for the Legal Aid is executed based on the requests from the municipalities (local governments) and can cover only up to 50% of the total budget spent annually by municipalities (local governments), based on the Law on Legal Aid.
The Legal Aid does not include "mandatory representation in criminal cases" by lawyers, before the Serbian courts, which is the cost covered by the High Judicial Council.

Q013 (2020): TOTAL - Annual implemented public budget allocated to legal aid (1 + 2)
If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:
Data shall be available for the next report.

Kosovo*
Q004 (2024): During 2024, due to budget constraints, KJC has not funded training programs.
During 2024, KJC received a donation from UNDP in the amount of €70,519.84 for anti-corruption efforts in Kosovo.
During 2024, KJC received a donation from the Norwegian Government in the amount of €241,435.10 for the Case Management Information System (SMIL).
During 2024, KGJK has implemented several projects under the Capital Investments category, primarily related to construction.
The construction of the court building in Prizren has begun, with €1,150.00 spent in 2024.
Work has continued on the design and renovation project of the Basic Court in South Mitrovica, with €438,504.50 spent in 2024.
Work has continued on the construction project of the Basic Court building in Pristina – Gllogoc branch, with €93,163.70 spent in 2024.
Work has continued on the construction project of the Basic Court building in Gjilan – Viti branch, with €69,150.63 spent in 2024.
A total of €328,562.50 has been spent on vehicle purchases.
For the project "Security Camera Monitoring Centers in Courts," €72,685.86 has been spent.
For the project "Purchase and Supply of Firewall Equipment," €54,300.00 has been spent.
In the category other are included office expenses, fuel, maintenance of vehicles and other supplies.
Q004 (2023): NA
Q004 (2022): Digitalization of services;
New courts to be build;
No financing trainings for 2022 due to budget cut.

Q004 (2021): Justice expenses budget increased because as the courts proceeded with full capacity after Covid restrictions, more expertise and interpretation expenses became indispensable.
Budget allocated to court buildings was lowered due to budget cuts.
As regards budget allocated to court buildings, the new court buildings that began in the previous years were in process, therefore in 2021 the budget was lowered to the amount on finalising those court buildings projects.
As regards training budget, due to the other essential needs appeared during the year for the KJC, the training budget was cut.
Q004 (2020): Budget allocated to computerization includes 160,000 for buying computers and IT equipment for Kosovo Judical Council and Courts, and 150,000 for the maintenance of the IT system. Concerning sub-q. 3, there is a considerable discrepancy with the data from the previous year. This is because, in the data from the last year, we did not deduct the amount dedicated to free legal aid. So, the data from the previous year regarding the total budget for this sector should be minus the sum dedicated to free legal aid. Concerning sub-Q. 4,5 and, the discrepancy between approved and implemented budget is a result of budgetary cuts because of the pandemic Covid 19. The differences in the approved and implemented budget of the sub2 is due to the purchase of new IT equipment(mainly new computers).
Q005 (2023): NA
Q005 (2021): /
Q005 (2020): /
Q006 (2024): The approved budget for KPC for 2024 was 17,265,867 €.
The sum in the table 16,656,715.5 € does not include the amount approved for lawyers (609,151.5€). In our budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 1,218,303€ which we divided in 2 and the budget approved for lawyers being 609,151.5€.
The total implemented budget for KPC was 15,130,313.38€ however the sum in the table does not include the budget implemented for lawyers (570,325.79€).

Q006 (2023): NA
Q006 (2022): The initial approved budget for KPC was 17,144,178 € however, with budget reviews it was approved in the value of 14,596,934€ in total. The sum in the table 16,665,948.5 does not include the amount approved for lawyers (478,229.5€). In our budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 956,459€.

Q006 (2021): The initial approved budget for KPC was 14,441,527.61 € however, with budget reviews it was approved in the value of 13,536,237.31€ in total. The sum of 13,114,257.84 does not include the amount approved for lawyers (421,979.5€). In prosecution's budget categories there is no separate category for budget for lawyers, but the budget code is named "legal representation cost" which includes lawyers and experts. The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

Q006 (2020): The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

Q010 (2024): FREE LEGAL AID AGENCY COMMENT: The agency for free legal aid has had a genuine cooperation with international organizations over the years. During the year 2024, we had close cooperation with GIZ, USAID, OSCE and UNHCR, cooperation which has also resulted in support to FLAA in different activities such as: realization of workshops for the drafting of by-laws, trainings, organization of awareness campaigns, preparation and printing of brochures, holding workshops, info legal sessions and meetings, realization of focus groups with citizens, drafting and publishing of analyses, manuals and other documents etc.
However, they have supported the activities but have not transferred the budget to FLAA.
The budget received by external donor to KJC is 311,954.94. Whereas the implemented budget is provided in the table.
1. KJK during 2024 has received a donation from UNDP in the amount of €70,519.84 for Anti-Corruption Efforts in Kosovo
2. KJK during 2024 has received a donation from the Norwegian Government in the amount of €241,435.10 for the Case Management Information System (CMIS)
Q010 (2023): The agency for free legal aid has had a genuine cooperation with international organizations over the years. During the year 2023, we can single out the close cooperation with GIZ, USAID, EUKOJUST, OSCE and UNHCR, cooperation which has also resulted in support to FLAA in different activities such as: realization of workshops for the drafting of by-laws, trainings, organization of awareness campaigns, preparation and printing of brochures, holding workshops, info legal sessions and meetings, realization of focus groups with citizens, drafting and publishing of analyses, manuals and other documents etc.
However, they have supported the activities but have not transferred the budget to FLAA, except for GIZ, which has supported the salaries of 4 (four) officials in 6 (six) mobile offices for free legal aid for 6 (six) months - January to June and the amount is included in the table above.
Q010 (2022): -KJC during 2022 had donations in the amount of €350,783.24 and that from UNDP and GIZ mainly for the support of the administrative staff in some courts of Kosovo (€48,627.95) and from the Norwegian Government for the SMIL project (€302,155.29).
-Prosecutorial system is constantly being supported by international partners, donors and projects through trainings, events, roundtables and donations. The sum in the table includes all of these activities.
-For FLAA funds have been allocated for the extension of free legal aid in municipalities where there is no regional office and mobile office for providing free legal aid and raising the professional capacities of officials.
During 2022, FLAA was also supported by the donor USAID - JAK through these activities:
• Publication of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters;
• Training for 5 trainers trained in the use of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters and the realization of trainings;
• Drafting of the report Mapping the Needs of Communities for Justice 2022;
• Organization of training on Mediation for 24 officials of ANJF;
• ANJF Communication Strategy 2022 - 2025;
• Support in the organization of the Free Legal Aid Week (23 – 27 May)
• Organization of 3 thematic roundtables with the participation of representatives from ANJF and NGOs that offer free legal assistance;
• Setting up the Info stand and distributing brochures with information about the ANJF, in Prizren during the Dokufest festival;
• Placement of permanent information shelves with brochures for the ANJF in the Basic Court in Mitrovica (in the south and north);
• Preparation and publication of the Video with information on the Agency for Free Legal Aid in sign language - dedicated to deaf people;
• Preparation, promotion and distribution of brochures in Braille with information on the Agency for Free Legal Aid and services, dedicated to blind people;
• Distribution of 1,100 questionnaires in 11 branches of the association HANDIKOS throughout Kosovo and summary of data from the respondents.
The donor USAID - JAK has implemented the budget, so we have no knowledge about the amount spent for the above activities.

Q010 (2021): -The KJC has received donations from UNDP and GIZ mainly as support to the administrative staff of the courts (legal officer, translator).
The value of the donation from UNDP was € 26,997.77 while from GIZ was € 3,037.62
-Prosecutorial system is constantly being supported by international partners, donors and projects through trainings, events, roundtables and donations. The sum in the table includes all of these activities.
-Free Legal Aid Agency was supported by the donor GIZ and UNDP. The project of Providing Free Legal Aid, supported by the Donor GIZ, for the period 1 year January-December 2021, has employed 4 officials to provide free legal aid. The budget from the donor was in the amount of € 36,948.00. Meanwhile, the project Immediate Support for Recovery to COVID-19 supported by the Donor UNDP, has supported the Agency during 2021 with the amount of 10,240.00 €, has hired officials to provide free legal aid and a mobile clinic driver, from their salary € 8,018.76 and goods in the amount of € 2,221.24. The budget spent on this project was € 8,895.71.

Q010 (2020): In the category 'Budget allocated of the Whole Justice System" we have used data from the Aid Management Platform, where we generated this sum from the sub-category 'Legal and Judicial Development'. The last year we did not provide data in this question because there are no official numbers regarding the total contribution of external donors. So, please note that this is only an approximation and does not reflect the total amount of external donor funds with certainty. The real numbers can be different from what we offered here, but until we are able to find a way to get those data, we propose to use these data from the Aid Management Platform, as a general idea regarding external donor funds in Justice Sector. This estimate is by defect because there might be other projects which are not included: have refused to be included or for other reasons. The external donor funds which contribute to the budget of courts is not linear. These donations are annually based and can change from one year to another. For instance, an external donor can finance or support certain elements of courts, such as interpreters or other administrative staff. Same applies the Prosecution Services. We already collected the data from legal aid to.
Q011 (2021): Since the system does not allow decimals, below are the exact ratios for the above categories:
For Courts: 0.11%
For Prosecution services: 6.24%
For Legal Aid: 2,80%
Q011 (2020): Since the system does not allow decimals, the space between the numbers refers to a comma. i.e. 0 22 is 0,22%, 0 44 is 0,44%, 3 25 is 3,25% and 12 19 is 12,19%.

Q012 (2024): KPC COMMENT: In our budget categories we don’t have separate category for budget for lawyers, but the budget code is named “legal representation cost” which include lawyers and experts. The total budget approved for this category was 1,218,303€ which we divided in 2 and the budget approved for lawyers being 609,151.5€.
FREE LEGAL AID AGENCY COMMENT: Based on the budget law No. 08/L-260, a budget of 537,831.00 € was allocated to the Free Legal Aid Agency in the following categories: Salaries and allowances 307,831.00 € goods and services 220,000.00 €;, and utilities 10,000.00 €.

Q012 (2022): Budget increased
Q012 (2021): In KPC budget categories we don’t have separate category for budget for lawyers, but the budget code is named “legal representation cost” which include lawyers and experts. The total budget approved for this category was 843,959€ which we divided in 2 and the budget approved for lawyers being 421,979.5€.
As for the discrepancies, they are due to Covid pandemic aftermath and budget review.

Q012 (2020): In this year, we have been able to obtain the data for categories 'cases brought to court and cases not brought to court' for criminal cases too. The budget concerning cases not brought to court is managed by Kosovo Prosecutorial Council(KPC), while the Budget concerning cases brought to court is managed by the Kosovo Judicial Council(KJC). Therefore, for cases not brought to court, we have used the data offered by KPC, while for cases brought to court, we have used the data from KJC.
Q013 (2024): The Free Legal Aid Agency has spent a total budget of €476,000.14, according to these categories: Salaries and allowances 264,271.70 €, Goods and services 203,873.54 € and Municipal services 7,854.90 €.
The reason why the budget was not spent in full is due to the non-recruitment of the anticipated positions.
The budget of the Free Legal Aid Agency is not divided into separate parts for criminal cases and for other cases, but legal aid is offered in all legal fields; Civil, Administrative, Criminal and Misdemeanor, to all those citizens who fulfil the criteria based on law no. 04 / L-017 on Free Legal Aid or if they one of the special beneficiary categories of free legal aid based on law no. 08/L- 035 for the amendment and completion of the law no. 04/l-017 for free legal aid.
During 2024, the agency provided free legal aid to 8049 citizens. In the administrative procedure free legal aid was offered to 5853 citizens, in the civil procedure to 1887 citizens, in the criminal procedure to 270 citizens and in the misdemeanor procedure to 39 citizens.
Out of 8049 cases, the FLAA, through its officials, handled 7428 cases.
While 621 cases were referred to the lawyers who took actions for the parties, 562 of them in civil procedure, 12 in administrative procedure and 47 in criminal procedure).
In 2024 in the economic category, the expenses of representation and advocacy have been paid a total of €145,620.00, as well as about €1,145.00 are debts from the year 2025, which have been processed for payment in the budget of the year 2025. These expenses of the lawyers are expenses of the lawyers who are engaged over the years, not just in 2024.

Q013 (2021): As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was increased.
Q013 (2020): There is a difference between the approved and the implemented budget for Legal Aid, mainly because of the pandemic Covid 19. However, in the category "cases not brought to court" in criminal cases, the discrepancy between the approved and implemented budget is because the approved budget includes legal aid and expertise. At this moment, we are not been able to localize only the budget dedicated to legal aid. The courts have been dealing only with emergency cases for two and a half months in 2020(mid-March to June). However, even after the June, courts have not worked in their full capacities, because the Codiv-19 situation deteriorated again in July. The budget was reviewed in June, and significant reallocation in the budget were made. And of course, due to the lockdown, the number of criminal cases was lower compared to previous years and consequently, a part from the budget allocated to legal aid for criminal cases was reallocated.

Indicator 1 - Budget

by question No.

Question 4. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.
Question 5. If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:
Question 6. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.
Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.
Question 11. If you cannot provide the amount of external donor's contribution (specified in question 10), please provide an estimation of the ratio of this amount within the total implemented budget:
Question 12. Annual approved public budget allocated to legal aid, in €.
Question 13. Annual implemented public budget allocated to legal aid in €.

Question 004

Albania
(2024): 6. The budget for the training of magistrates is part of the budget of the School of Magistrates.
7. This figure is specifically relevant:
Office service costs (Letter, Office, toners, etc.), 642,535
Diet Travel Expenses, 177,698
Transportation services, 463,269
Other maintenance and operating costs (execution of court decisions, payment of taxes and duties, banking commission, diplomatic service passport, transfers to individuals for assistance, other expenses), 2,379,415
Other investment expenses (reconstruction of existing buildings, purchase of office furniture, purchase of transport vehicles), 1,121,779

(2023): Office service costs (Letter, Office, toners, etc.)NA 478,436
Diet Travel ExpensesNA120,312
Transportation servicesNA 418,063
Expenditure on security guardsNA941,832
Software programNA1,235,676
Other maintenance and operating costsNA3,828,514
Annual public budget allocated to the HJC 3,405,004 3,085,103
Annual public budget allocated to the CIT 125,144150,341 Total - Annual public budget allocated to the judicial system46,668,824 44,900,772 The budget for the training of magistrates is part of the budget of the School of Magistrates.
Annual public budget allocated to the HJC figure is relevant for the budget of the HJC which is separate from the budget of the courts.
Annual public budget allocated to the CIT figure is relevant for the budget of the CIT as a special program.
Total - Annual public budget allocated to the judicial system figure is relevant for the entire budget of judicial system, which consists of three programs (courts, CIT and HJC)
The exchange rate is 1 Eur = 103.88 ALL, resource Bank of Albania 29.12.2023
Explanations for the variations:
Salaries + 74%
Changes and increases in salaries budget come as a result of changes in legislation on salary specifically:
Law no. 33/2023 “For a change in the law no. 96/2016 on the status of judges and prosecutors in the Republic of Albania", changed, which changed the salaries of magistrates.
Decision no. 325, dated 31.5.2023 “For the approval of the structure of wages, salary levels and other allowances above salary of deputy minister, cabinet officers, prefect, sub-prefect, civil employees and employees in some institutions of Public Administration” and Decision no. 326, dated 31.5.2023” For employees' salaries supporters and employees of other specialties of different in some institutions of public administration”, of the Council of Ministers.
The change in the official exchange rate, which from 1 euro = 115 lek in 2022, became 1 euro = 103.8 lek in 2023.
Investments in computerisation + 884%
IT maintenance +252%
In the framework of the implementation of new software systems, the High Judicial Council has focused its investments in the purchase of electronic equipment.
The change in the official exchange rate, which from 1 euro = 115 lek in 2022, became 1 euro = 103.8 lek in 2023.
Court building maintenance -50%
As part of the implementation of the new judicial map, which ended in 2023, the courts have been in the process of restructuring, which has led to a decrease in funds for building

(2022): Total - Annual public budget allocated to the judicial system = TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) + Annual public budget allocated to the HJC + Annual public budget allocated to the CIT regarding the specific figures there is a discrepancy of 1 Euro. ;Total Annual public budget allocated to the judicial system: 27,824,922+ 2,385,360 +39,509 = 30,249,791
The training in courts is divided in 2 different parts, the training of magistrates is done by the School of Magistrates with their own budge, while the training of all non-magistrate staff is done by the HJC, for different reasons the budget this year has been planned as 0.
7. Other (please specify): Office service costs (Letter, Office, toners, etc.) 651,478
Diet Travel Expenses: Implemented budget 69,635
Transportation services: Implemented budget 361,252
Expenditure on security guards: Implemented budget 700,670
Software program Implemented budget 2,683,887
Other maintenance and operating costs Implemented budget 1,784,801
Annual public budget allocated to the HJC Approved budget (in €) 2,385,360; Implemented budget (in €) 2,153,634
Annual public budget allocated to the CIT 39,509 18,226
Total - Annual public budget allocated to the judicial system:
Approved budget (in €) 30,249,790
Implemented budget (in €) 27,879,965

(2021): Other expenses include: Office service costs (Letter, Office, toners, etc.) 1,456,599, Diet Travel Expenses 49,500, Transportation services 302,042, Expenditure on security guards 710,995, Maintenance 503,604, Software program 475,221, Other maintenance and operating costs 1,199,516

(2020): Figures given above are related to courts' budget only.

Bosnia and Herzegovina
(General Comment): Data on the approved budget are classified according to the economic classification adopted by the ministries of finance. The data regarding the approved budget is classified in a way that allows obtaining data only on the following elements that relate to question 4:
-TOTAL - Annual budget allocated to the functioning of all courts, and -1. Annual public budget allocated to (gross) salaries. The classification used for budget approval does not allow to obtain data on other elements referred to in question 4.
The reports on execution budgets make it possible to distinguish budget figures for all the elements in the table. The amounts of all items are calculated using the budget execution reports as the best possible estimation.

(2024): 7. Other
The budget allocated for other purposes includes funds allocated for employee benefits such as sick leave, maternity leave and various other benefits. Also, the budget allocated for other purposes includes provisions for deposits. Provisions for retained bails and deposits are reported as long-term provisions for costs that will occur with great certainty in the coming years on the basis of retained bails and deposits. All of these costs can vary significantly from year to year.

(2023): Q4.
5. Annual public budget allocated to investments in new (court) buildings.
In 2023, a large investment in court buildings in the area of the Posavina Canton was realized. Since no investments in new buildings were recorded in other courts in Bosnia and Herzegovina, there was a significant increase in the allocated budget for this purpose compared to 2022.
7. Other
The budget allocated for other purposes includes funds allocated for employee benefits such as sick leave, maternity leave and various other benefits. Also, the budget allocated for other purposes includes provisions for deposits. Provisions for retained bails and deposits are reported as long-term provisions for costs that will occur with great certainty in the coming years on the basis of retained bails and deposits. All of these costs can vary significantly from year to year.

(2022): There are two reasons why the amounts allocated for judicial expenses and training in 2022 are higher compared to the amounts allocated in 2021. First, after operating at a limited capacity in 2021 due to the COVID-19 pandemic, the courts continued to operate at full capacity in 2022. Secondly, due to inflation, a significant increase in the prices of services was recorded in 2022, and therefore the services of expertise, interpretation and training have become more expensive. In several courts, the amount of funds allocated for these purposes increased by more than 100% in 2022 compared to 2021
As regards investment in new buildings, the amount of funds allocated for the construction of new court buildings fluctuates from year to year, because it directly depends on the amount of funds donated for this purpose.

(2021): 5. Annual public budget allocated to investments in new (court) buildings: Based on the insight into the implemented budgets for 2021, it is evident that the amount of annual public budget allocated to investments in new (court) buildings has significantly decreased compared to 2020. The decline in investments is due to the slow process of public procurement in the last two years, which is a result of the COVID-19 outbreak. Other costs are the expenditures such as travel expenses and the costs for the purchase of office material and office equipment.

(2020): The annual public budget allocated to the functioning of courts is different from actually implemented budget mainly because the courts could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. In addition, one of the highest courts could not implement the allocated budget for setting up the new department for organized crime and corruption cases, because the new department has not been established. Furthermore, the implemented annual public budget for training and investments in new court buildings declined considerably in 2020 compared to 2019, because the courts could not use all of the funds allocated for these purposes due to the reduction of the relevant activities in the context of the measures undertaken against the spread of COVID-19 pandemic. Other costs are the expenditures such as travel expenses and the costs for the purchase of office material and office equipment.

(2019): Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest instance courts has not been implemented. There is no continuity of planning budget funds for the construction of new court buildings. For this reason, the amount of funds spent for this purpose can vary significantly. That is the explanation for the variation in the implemented budget for investments in new (court) buildings. Other costs are the expenditures for travel expenses and purchase of office material and office equipment.

Montenegro

(2024): The difference is related to executions through the Ministry of Finance (experts and lawyers), which are charged by compulsory means.
7. THE OTHER INCLUDES: OTHER PERSONAL INCOME, JUBILEE AWARDS, severance pay, AID, SEPARATE LIFE, ADMINISTRATIVE MATERIAL, FUEL, ENERGY, COMMUNICATION SERVICES, LAWYER SERVICES, CONSULTING, BANKING SERVICES, INSURANCE,EMPLOYMENT CONTRACT, UTILITY SERVICES..

(2023): Other includes: other personal income, jubilee awards, separation, aid, separate life, administrative material, fuel, energy, communication services, lawyer services, consulting, banking services, insurance, contract of work, utility services

(2022): -Differences relate to the enforcements via the Ministry of Finance (court experts and lawyers expenses) payed through enforcement procedures (e.g. baillifs etc.)
- Other costs are other personal incomes, jubilee awards, severance payments, one time assistance payments, separate family life bonus, administrative/office material, fuel costs, energy bills, communication services, lawyer services, consulting services, banking services, licenses, insurances, employment contracts, utilities etc.

(2021): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.
“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay... (Source: Judicial council)
Since 2018 there has been an increase in the budget allocated to courts buildings (maintenance, operating costs) which is due to the fact that the requests of courts for more funds for this purpose were approved during the preparation of the courts budget.

(2020): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.
“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay... (Source: Judicial council)
Since 2018 there has been an increase in the budget allocated to courts buildings (maintenance, operating costs) which is due to the fact that the requests of courts for more funds for this purpose were approved during the preparation of the courts budget.
Discrepancy clarifications:
- Annual public budget allocated to court buildings (maintenance, operating costs) - There was an increase in the monetary amount due to the adaptation of official premises in several Montenegrin courts.
- Annual public budget allocated to investments in new (court) buildings - There was an increase in the monetary amount due to the fact that construction works were carried out on the building of the Commercial Court of Montenegro on the adaptation of the building itself.
- Annual public budget allocated to training - There was a decrease in the said amount due to the fact that this year a smaller number of trainings was conducted compared to the previous reporting because of the COVID-19 pandemics.

North Macedonia
(General Comment): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc.

(2024): Investments in new court buildings are expenses for renovating a few existing courts(new facades, replacement of windows, reconstruction of installations, etc.). For Investments in new court buildings, the observed discrepancy is due to a smaller number of reconstructions of courts in 2024 compared to 2023. Regarding the Investments in computerisation, the increase is the result of the introduction of a new system for audio recording in courtrooms and the procurement of 365 PC units. Concerning Other expenses, the decrease is attributed to the reduction of budget lines for payments related to final decisions on labour disputes initiated by employees in the judiciary and a decrease in travel expenses.

(2023): After the investments in ICT made in the previous year, additional resources were allocated to maintain the new system. Regarding investments in new court buildings, the increase is attributable to expenses for renovating a few existing courts.

(2022): The court budget includes only the budget of all courts.
2. North Macedonia in 2022 allocated huge budget to investments in computerization (replacement of all old servers in all the courts and in the Judicial Council with new servers, 308 new computers, new laptops, 212 new printers, 64 new scanners, new softwares (for example: for evaluation of judges).
4. Maintenance of the court buildings and operating costs in 2022 are higher due to new prices of gas and electricity in our country and on the world level, as a consequences from COVID-19 and war in Ukraine.
5. In 2022, the renovation of the new building of Administrative court was finished. That was the second phase of the plan with smaller allocated budget for finishing the project, since the budget of first phase of the plan was larger and implemented in 2021.
7. All the prices and costs in 2022 are higher due to inflation. Please, see also explanation for category 4.

(2021): 2. In 2020 the courts were supplied with more IT equipment.
3. The expenses are higher due to higher amount of court expertise.
4. Expected increased amount of bills. 5. Reconstruction of the building of the Administrative court.
7. No supply on new cars and all cost are decreased because other expenses in other lines are higher.

(2020): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc. The court budget includes only the budgets of all courts.
The decreasing of the court budget in 2020 in total is due to the fact that with the rebalance of the budget in 2019, about 2 million euros were provided for non paid allowances on the judges from the previous years. This allowances were paid in 2019.
Regarding the line 3 which refers to the justice expenses, the significant reduction of the total amount is due to the fact that according to the Law on Criminal Procedure, costs for court expertise are no longer paid by the court budget. Now they are paying by the PPO Budget. From the court budget now are only paying court expertise for old cases which are long time in the system, before the new Law on criminal procedure start with implementation. In 2020, the number of this type of old cases for which the expertise was paid by the courts was significantly lower compared to previous years.
Regarding the line 5 (New court buildings), in 2019 money were provided for the renovation of the building of the Administrative Court. However, the renovation of the building was not realized, due to administrative-technical problems. In the 2020 budget, money for this purpose were not provided.
Line for training is not included here, but in the questions about the Academy for judges and public prosecutors.

Serbia

(General Comment): The budget system of RS provides for unified collection of court fees, which are all paid to one account. The collected court fees are a revenue of the Republic of Serbia, from which 40% is allocated to the High Judicial Council for current expenses of the courts, except for expenses for court staff and staff at the public prosecutor's office, and 20% is allocated to the Ministry of Justice to improve the financial situation of employees in the courts and the public prosecutors' offices who are court staff and the staff of the Public Prosecutor's Office, other expenditures as well as investments in accordance with the law. Therefore, the amounts which the High Judicial Council and the MoJ transfer to the courts for various items in Q6 also come from court fees. Addition to this it is important to emphasise that the notary public is obliged to pay the amount of 30% of the collected prize without VAT, to the account prescribed for the payment of public revenues, within 15 days from the day of collection.
The referred amount is distributed for the current expenses of the courts and the improvement of the material position of the employees in the courts, as well as other expenses and investments for the courts, in accordance with the law.

(2024): point 7. - Comment by the High Judicial Council: Includes expenses for personal salaries of judges (compensation of expenses for judges, solidarity assistance, jubilee awards and severance pay for retirement), expenses for mandatory taxes, fines and penalties pursuant to court decisions, compensation for damage caused by state authorities, collective insurance of property and employees in courts, financial compensation for non-property damage caused by violation of the right to a trial within a reasonable time based on agreements concluded with the attorney's office.
We did not include donations, this is the information provided to us by the Supreme Court (31,406 euros approved and 12,990 euros implemented)

(2023): High judicial Council budget + MoJ budget

(2022): Other: Seminars of judges, transportation, accommodation, solidarity aid, anniversary award, severance payments, new furniture, etc.

(2021): E.g. New furniture
The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

(2020): Other: Additional furniture for new court buildings
Part of the legal aid budget is included in "justice expenses" and cannot be calculated separately

Kosovo*

(2024): During 2024, due to budget constraints, KJC has not funded training programs.
During 2024, KJC received a donation from UNDP in the amount of €70,519.84 for anti-corruption efforts in Kosovo.
During 2024, KJC received a donation from the Norwegian Government in the amount of €241,435.10 for the Case Management Information System (SMIL).
During 2024, KGJK has implemented several projects under the Capital Investments category, primarily related to construction.
The construction of the court building in Prizren has begun, with €1,150.00 spent in 2024.
Work has continued on the design and renovation project of the Basic Court in South Mitrovica, with €438,504.50 spent in 2024.
Work has continued on the construction project of the Basic Court building in Pristina – Gllogoc branch, with €93,163.70 spent in 2024.
Work has continued on the construction project of the Basic Court building in Gjilan – Viti branch, with €69,150.63 spent in 2024.
A total of €328,562.50 has been spent on vehicle purchases.
For the project "Security Camera Monitoring Centers in Courts," €72,685.86 has been spent.
For the project "Purchase and Supply of Firewall Equipment," €54,300.00 has been spent.
In the category other are included office expenses, fuel, maintenance of vehicles and other supplies.

(2023): NA

(2022): Digitalization of services;
New courts to be build;
No financing trainings for 2022 due to budget cut.

(2021): Justice expenses budget increased because as the courts proceeded with full capacity after Covid restrictions, more expertise and interpretation expenses became indispensable.
Budget allocated to court buildings was lowered due to budget cuts.
As regards budget allocated to court buildings, the new court buildings that began in the previous years were in process, therefore in 2021 the budget was lowered to the amount on finalising those court buildings projects.
As regards training budget, due to the other essential needs appeared during the year for the KJC, the training budget was cut.

(2020): Budget allocated to computerization includes 160,000 for buying computers and IT equipment for Kosovo Judical Council and Courts, and 150,000 for the maintenance of the IT system. Concerning sub-q. 3, there is a considerable discrepancy with the data from the previous year. This is because, in the data from the last year, we did not deduct the amount dedicated to free legal aid. So, the data from the previous year regarding the total budget for this sector should be minus the sum dedicated to free legal aid. Concerning sub-Q. 4,5 and, the discrepancy between approved and implemented budget is a result of budgetary cuts because of the pandemic Covid 19. The differences in the approved and implemented budget of the sub2 is due to the purchase of new IT equipment(mainly new computers).

Question 005

Montenegro

(2020): In 2020, courts did not have individually allocated amount for providing free legal aid, namely this is included in the account 4146 – Lawyer, notary and legal services.

Kosovo*

(2023): NA

(2021): /

(2020): /

Question 006

Albania

(2023): The data for the implemented budget "Implemented budget" for the year 2023 are approximate and were obtained from the AFMIS system until 22.01.2024. This figure is not final as the Treasury Office responsible for confirming this data will publish this figure in February 2024.
In the first column, we planned the budget at the beginning of the year.
In the second column, we have the actual realization of budget funds during the year 2023.
The revised budget during the year is 32,016,181 euros due to institutional needs.
The increase in this budget has come as a result of additions during the year 2023 of funds for personnel expenses for the payments of magistrates and officers in implementation of the Decision
no. 35 of the Constitutional Court for wrongly calculated salaries.

(2021): At the prosecution, office there is no budget allocated to training of public prosecution services. Please note that training of judges and prosecutors is allocated to the budget of School of Magistrates.
The difference between approved budget and implemented budget consists mainly in savings of payments due to the vetting process (dismissal of prosecutors, some vacancies of administrative staff and prosecutors, savings from building reconstructions, etc

Bosnia and Herzegovina

(General Comment): The annual public budget allocated to training of public prosecution services was calculated on the basis of the data of the prosecutor's offices on the funds spent in the reporting year for the procurement of professional literature and the like. These amounts can vary significantly from year to year. This figure does not include the funds spent by judicial training centers and international donors for prosecutors' trainings.

(2024): The annual public budget allocated to training of public prosecution services was calculated on the basis of the data of the prosecutor's offices on the funds spent in the reporting year for the procurement of professional literature and the like. These amounts can vary significantly from year to year. This figure does not include the funds spent by judicial training centers and international donors for prosecutors' trainings.

(2022): Some prosecution offices allocated a smaller amount of funding in connection with the training in the reporting year. However, the disparities in training funding for 2022 compared to 2021 are not significant considering the small value of absolute amounts the prosecution offices generally allocate for this purpose.

(2020): The annual public budget allocated to the functioning of all prosecutors' offices is different from actually implemented budget mainly because the prosecutors' offices could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. Also, the allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented, because the new unit has not been established. The implemented annual public budget for training of public prosecution services declined considerably in 2020 compared to 2019, because the prosecutors' offices could not use all of the funds allocated for this purpose due to the reduction of the training activities in the context of the measures undertaken against the spread of COVID-19 pandemic.

(2019): The annual public budget allocated to the functioning of all prosecutors' offices from actually implemented budget is different mainly due to the following reasons: Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented.

Montenegro

(2024): The Law on the Budget of Montenegro has allocated €13,685,205.86 to the spending unit of the Prosecutorial Council for 2024, for the implementation of activities through two programs:
*Program 12005- Work of the Prosecutor's Office – €12,585,902.90 (17 activities, i.e. 17 state prosecutor's offices)
*Program 12024- Regulation and management in the justice system – €1,099,302.96 (2 activities, i.e. the Secretariat of the Prosecutorial Council and the Prosecutorial Council).
After the transfer of funds from the current budget reserve and the redirection of funds by the Ministry of Finance, the current budget amounted to €14,478,380.05. Namely, by the decision of the Government of Montenegro, €42,000.00 was redirected from the current budget reserve to the Special State Prosecutor's Office, €14,000.00 for fuel and €28,000.00 for vehicle maintenance costs. The Ministry of Finance diverted €751,174.19, which was the amount of expenses based on the court collection of creditors.

(2023): difference between approved and implemented is because there were additional transfers from state budget to Prosecution during a budget year

(2020): The difference between the approved and implemented budget was due to the budget rebalance, all pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro 61/2020 as of 24 June 2020).

North Macedonia

(2023): The increase in the total budget is due to increased salaries

(2020): Presented budget is lower in comparison with last year, because approximately 4 million euros were distributed for the Special Public Prosecution office last year. The SPO is not exist anymore in the Macedonian justice system.

Serbia

(2023): Regarding the question annual public budget allocated to training of public prosecution services please note that this funds is provided through the Judicial Academy budget, due to the judicial Academy jurisdiction which is training in the whole Serbian Judiciary.

(2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

Kosovo*

(2024): The approved budget for KPC for 2024 was 17,265,867 €.
The sum in the table 16,656,715.5 € does not include the amount approved for lawyers (609,151.5€). In our budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 1,218,303€ which we divided in 2 and the budget approved for lawyers being 609,151.5€.
The total implemented budget for KPC was 15,130,313.38€ however the sum in the table does not include the budget implemented for lawyers (570,325.79€).

(2023): NA

(2022): The initial approved budget for KPC was 17,144,178 € however, with budget reviews it was approved in the value of 14,596,934€ in total. The sum in the table 16,665,948.5 does not include the amount approved for lawyers (478,229.5€). In our budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 956,459€.

(2021): The initial approved budget for KPC was 14,441,527.61 € however, with budget reviews it was approved in the value of 13,536,237.31€ in total. The sum of 13,114,257.84 does not include the amount approved for lawyers (421,979.5€). In prosecution's budget categories there is no separate category for budget for lawyers, but the budget code is named “legal representation cost” which includes lawyers and experts. The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

(2020): The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

Question 010

Albania

(2024): The answer is NAP (Not Applicable) since no donor funds were directly allocated to prosecution offices of general jurisdiction for the year 2024 as part of prosecution annual budget.

(2022): During 2022 there have been no external donor’s contributions, included in courts’ budgets.

(2020): The above budget is the amount spent by the EU technical assistance mission EURALIUS, aiming to support the implementation of justice reform in Albania for 2020. However, please note that there are at least two other major projects aiming to support the justice system, one implemented by Council of Europe in Albania and the other by a contractor of USAID. However, no data are available for these project.

Bosnia and Herzegovina

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina during 2019 implemented donor funded project activities aimed at reforming the courts and the public prosecution service in the amount of 2820650 EUR. Source of information is the HJPC annual report for 2019.
Overall amount of funds used to finance donor activities which are implemented by the international organisations (e.g. United States Agency for International Development, World Bank, etc) is not available since the HJPC is not implementing them.

Montenegro

(2021): National IPA projects

1.IPA 2014 “EU Support to the Rule of Law II” – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.

Duration: 36 months (Implementation of the Project officially began in April 2017).

Budget: 2,8 mil € 2.“Analysis of access to justice for citizens and companies in Montenegro aimed at results”

Overall objective: strengthening of the judiciary system in line with EU standards and providing analytical and advisory inputs to enable adjustment of the strategy framework for improving the performance of the justice system. Focus on updating of the Action Plan for Chapter 23 and the Action plan for the implementation of the national Justice Reform Strategy (2014-2018).

Duration: 10 months

Budget: 300.000 €

Multi-beneficiary IPA projects

1.WB20-MNE-SOC-01 „Construction of prison in Mojkovac: Review of the Feasibility Study, preparation of Preliminary design, EIA Study, Main Design and Tender Dossiers“ Overall objective: preparation of the technical documentation for the construction of one of the priority infrastructure projects in Justice Sector – prison in Mojkovac.

Budget: 1.2 mil €

2.EU/CoE “Horizontal facility for Western Balkans and Turkey” – Phase II

2.1.“Accountability and professionalism of the judicial system“

2.2.„Action against economic crime“

2.3.„Improved procedural safeguards in judicial proceedings“

2.4.„Further enhancing human rights protection for detained and sentenced persons“

2.5.“Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans”

2.6.„Dashboard Western Balkans“

3.IPA 2017 Regional project „Fight against serious crime in the Western Balkans“

Overall objective: Increasing efficiency and cooperation between the regional and national institutions in fight against serious and

(2020): National IPA projects

1.IPA 2014 “EU Support to the Rule of Law II” – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.

Duration: 36 months (Implementation of the Project officially began in April 2017).

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1.WB20-MNE-SOC-01 „Construction of prison in Mojkovac: Review of the Feasibility Study, preparation of Preliminary design, EIA Study, Main Design and Tender Dossiers“ Overall objective: preparation of the technical documentation for the construction of one of the priority infrastructure projects in Justice Sector – prison in Mojkovac.

Budget: 1.2 mil €

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2.1.“Accountability and professionalism of the judicial system“

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2.3.„Improved procedural safeguards in judicial proceedings“

2.4.„Further enhancing human rights protection for detained and sentenced persons“

2.5.“Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans”

2.6.„Dashboard Western Balkans“

3.IPA 2017 Regional project „Fight against serious crime in the Western Balkans“

Overall objective: Increasing efficiency and cooperation between the regional and national institutions in fight against serious and organized crime. Duration: January 2018- March 2020

Given the complexity and importance of the Rule of Law system in the context of reform activities in Montenegro, a number of projects and activities are taking place with the

North Macedonia

(2024): We have a lot of international projects supporting whole justice system with special emphasize of the judiciary. Taking into account that all of the projects are planned for two or more years and they cover different areas, it is not possible to answer specific subcategories defined in the question. Some projects are planned to finance defined activities for more countries. Presented figure is for all above mentioned categories. Methodology used: absolute amount of each project is divided by number of years of implementation of each project. Total amount is 33 015 175 euro, covering multiple projects.

(2023): We have a lot of international projects supporting whole justice system with special emphasize of the judiciary. Taking into account that all of the projects are planned for two or more years and they cover different areas, it is not possible to answer specific subcatregories defined in the question. Also some projects cover judiciary and justice system, but also institutions that not belog to judiciary and justice systems. Some projects are planned to finance defined activities for more countries. Presented fugure is for all above mentioned categories. Methodology used: absolute ammount of each project is divided by number of years of implementation of each project. Please find attached details for each project:

(2022): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2022, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programe in particular. Regional projects are included in the total amount.

(2021): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2021, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programme in particular.
The amount is lower in the column budget allocated to courts in comparison to the last year, because for many of the projects where a larger amount of funds was allocated (ex. projects related with supply on equipment) finished at the end of 2020.
All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2021 by the external donors in North Macedonia were: Regional Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit Financial Flows, Countering Serious Crimes in the Western Balkans-IPA 2019, Open Regional Fund for SEE-Legal reform, Regional project Enhancing penitentiary capacities in addressing radicalisation in prisons in Western Balkans, Regional project: iPROCEEDS – Targeting crime proceeds on the Internet in South Eastern Europe and Turkey.

(2020): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2020, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programme in particular. Most of the projects started with implementation in 2019. For example, if the project last 24 months and started in June 2019 till June 2021, then according to the formula from the explanation note the higher amount from the project budget was spent in 2020. This is the reason, why in 2020 the budget is higher in comparison with 2019. Also, new projects started with implementation in 2020.
All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2020 by the external donors in North Macedonia were: Regional Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit Financial Flows, Countering Serious Crimes in the Western Balkans, Open Regional Fund for SEE-Legal reform, Building capacities of South Eastern Europe to conduct financial investigations to effectively detect, deter and prosecute money laundering and the financing of terrorism as well as enhance regional and inter-agency cooperation, Promoting rule of law and good governance through targeted border control measures at ports and airports.

Serbia

(2023): The budget allocated for co-financing reconstruction of the Judicial Academy building is 3.969.561,44 EUR
The budget allocated for co-financing the building for courts and prosecutors offices (criminal departments) in the city of Novi Sad - is 13.078.394,00

(2020): EU projects can only present data from financial reports adopted by the Audit / Control, and the reporting period does not coincide necessarily with the calendar year. Namely, as the reports are submitted every 6 months, in this review it is possible to present data in relation to the following two periods (according to the approved financial reports): November 1, 2018-31. October 2019 = 565,656 (for the period of 12 months)
November 1, 2019-31. October 2020 = 863,544 (for the period of 12 months).
Data for the period running from 1 November 2020 will be known at the end of that period (March 2021), upon adoption by the Audit.
Within the Component 3 of IPA 2013 project, which dealt with corruption repression, joint trainings for prosecution, courts, MoI and other state authorities were organized. It is not possible to divide costs per each institution. USDOJ / OPDAT was organized joint trainings for prosecution, courts and MoI, and it is not possible to divide cost for each institution. Also, certification courses for fraud and money laundering (82 454 EUR) was organsied for representatives of different state authorities (MoI, prosecution, etc.), whose costs is not possible to devide. Within the item „donation of equipment and vehicles (total amount of eur 250.393), there is donation to the Main Group for fighting human trafficking that consist of MoI, Prosecution for organized crime, where is not possible to divide costs (eur 41 458), as well as donation of equipment and vehicles for Specialized departments for suppression of corruption, which is only dedicated to the prosecution (eur 208 935).
USAID GAI noted that there is no possibility to divide budget per institutions for 2019 and 2020, and that part of activities is being implements with funding from other donors.
OEBS organized joint trainings for courts, prosecution and MoI, and implemented budget is not possible to divide . OEBS Project Strengthening capacities of Serbian police in a fight against corruption, Phase 2 is primarily supported MoI, but there were organized joint trainings for MoI and prosecution, and implemented budget is not possible to divide.
Council of Europe Project Preventing money laundering and financing of terrorism in Serbia has been officially started 2020, but for the objective circumstances, implementation of activities started in November 2020. Within this period implementation of activities .started with other beneficiary institution's, and support to the RPPO is planned for 2021. The number Budget allocated to the whole justice system (question 7)- 3,941,467.

Kosovo*

(2024): FREE LEGAL AID AGENCY COMMENT: The agency for free legal aid has had a genuine cooperation with international organizations over the years. During the year 2024, we had close cooperation with GIZ, USAID, OSCE and UNHCR, cooperation which has also resulted in support to FLAA in different activities such as: realization of workshops for the drafting of by-laws, trainings, organization of awareness campaigns, preparation and printing of brochures, holding workshops, info legal sessions and meetings, realization of focus groups with citizens, drafting and publishing of analyses, manuals and other documents etc.
However, they have supported the activities but have not transferred the budget to FLAA.
The budget received by external donor to KJC is 311,954.94. Whereas the implemented budget is provided in the table.
1. KJK during 2024 has received a donation from UNDP in the amount of €70,519.84 for Anti-Corruption Efforts in Kosovo
2. KJK during 2024 has received a donation from the Norwegian Government in the amount of €241,435.10 for the Case Management Information System (CMIS)

(2023): The agency for free legal aid has had a genuine cooperation with international organizations over the years. During the year 2023, we can single out the close cooperation with GIZ, USAID, EUKOJUST, OSCE and UNHCR, cooperation which has also resulted in support to FLAA in different activities such as: realization of workshops for the drafting of by-laws, trainings, organization of awareness campaigns, preparation and printing of brochures, holding workshops, info legal sessions and meetings, realization of focus groups with citizens, drafting and publishing of analyses, manuals and other documents etc.
However, they have supported the activities but have not transferred the budget to FLAA, except for GIZ, which has supported the salaries of 4 (four) officials in 6 (six) mobile offices for free legal aid for 6 (six) months - January to June and the amount is included in the table above.

(2022): -KJC during 2022 had donations in the amount of €350,783.24 and that from UNDP and GIZ mainly for the support of the administrative staff in some courts of Kosovo (€48,627.95) and from the Norwegian Government for the SMIL project (€302,155.29).
-Prosecutorial system is constantly being supported by international partners, donors and projects through trainings, events, roundtables and donations. The sum in the table includes all of these activities.
-For FLAA funds have been allocated for the extension of free legal aid in municipalities where there is no regional office and mobile office for providing free legal aid and raising the professional capacities of officials.
During 2022, FLAA was also supported by the donor USAID - JAK through these activities:
• Publication of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters;
• Training for 5 trainers trained in the use of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters and the realization of trainings;
• Drafting of the report Mapping the Needs of Communities for Justice 2022;
• Organization of training on Mediation for 24 officials of ANJF;
• ANJF Communication Strategy 2022 - 2025;
• Support in the organization of the Free Legal Aid Week (23 – 27 May)
• Organization of 3 thematic roundtables with the participation of representatives from ANJF and NGOs that offer free legal assistance;
• Setting up the Info stand and distributing brochures with information about the ANJF, in Prizren during the Dokufest festival;
• Placement of permanent information shelves with brochures for the ANJF in the Basic Court in Mitrovica (in the south and north);
• Preparation and publication of the Video with information on the Agency for Free Legal Aid in sign language - dedicated to deaf people;
• Preparation, promotion and distribution of brochures in Braille with information on the Agency for Free Legal Aid and services, dedicated to blind people;
• Distribution of 1,100 questionnaires in 11 branches of the association HANDIKOS throughout Kosovo and summary of data from the respondents.
The donor USAID - JAK has implemented the budget, so we have no knowledge about the amount spent for the above activities.

(2021): -The KJC has received donations from UNDP and GIZ mainly as support to the administrative staff of the courts (legal officer, translator).
The value of the donation from UNDP was € 26,997.77 while from GIZ was € 3,037.62
-Prosecutorial system is constantly being supported by international partners, donors and projects through trainings, events, roundtables and donations. The sum in the table includes all of these activities.
-Free Legal Aid Agency was supported by the donor GIZ and UNDP. The project of Providing Free Legal Aid, supported by the Donor GIZ, for the period 1 year January-December 2021, has employed 4 officials to provide free legal aid. The budget from the donor was in the amount of € 36,948.00. Meanwhile, the project Immediate Support for Recovery to COVID-19 supported by the Donor UNDP, has supported the Agency during 2021 with the amount of 10,240.00 €, has hired officials to provide free legal aid and a mobile clinic driver, from their salary € 8,018.76 and goods in the amount of € 2,221.24. The budget spent on this project was € 8,895.71.

(2020): In the category 'Budget allocated of the Whole Justice System" we have used data from the Aid Management Platform, where we generated this sum from the sub-category 'Legal and Judicial Development'. The last year we did not provide data in this question because there are no official numbers regarding the total contribution of external donors. So, please note that this is only an approximation and does not reflect the total amount of external donor funds with certainty. The real numbers can be different from what we offered here, but until we are able to find a way to get those data, we propose to use these data from the Aid Management Platform, as a general idea regarding external donor funds in Justice Sector. This estimate is by defect because there might be other projects which are not included: have refused to be included or for other reasons. The external donor funds which contribute to the budget of courts is not linear. These donations are annually based and can change from one year to another. For instance, an external donor can finance or support certain elements of courts, such as interpreters or other administrative staff. Same applies the Prosecution Services. We already collected the data from legal aid to.

Question 011

Albania

(2024): The answer is NAP (Not Applicable) since no donor funds were directly allocated to prosecution offices of general jurisdiction for the year 2024 as part of prosecution annual budget.

(2022): The exact answer is NAP we have not had any external donor fund.

(2020): 9 percent

Bosnia and Herzegovina

(2024): Donor funds are not included in the budgets of the courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are the European Commission, UN, Sweden, Norway, and Switzerland.

(2023): Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are: the European Commission, USAID, Sweden, Norway, and Switzerland.

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(2021): External donors provide funding for the IT system in judiciary and aimed at improving functioning of judiciary. Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a non-governmental organization that provides legal aid throughout Bosnia and Herzegovina. The biggest donors are: the European Commission, Sweden, Norway, Switzerland, and USAID.

(2020): External donors provide funding for the IT system in judiciary and aimed at improving functioning of judiciary. Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a non-governmental organization that provides legal aid throughout Bosnia and Herzegovina. The biggest donors are: the European Commission, Sweden, Norway, Switzerland, and UNICEF.

North Macedonia

(2022): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 13 and 7 multiplied by 100.
Budget allocated to the whole justice system is 0,7

(2020): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 12/13 and 7 multiplied by 100.

Kosovo*

(2021): Since the system does not allow decimals, below are the exact ratios for the above categories:
For Courts: 0.11%
For Prosecution services: 6.24%
For Legal Aid: 2,80%

(2020): Since the system does not allow decimals, the space between the numbers refers to a comma. i.e. 0 22 is 0,22%, 0 44 is 0,44%, 3 25 is 3,25% and 12 19 is 12,19%.

Question 012

Albania

(2024): The legal aid implemented budget has increased by 8.6% compared to the previous year.
Cases brought to the court, we have referred to cases of secondary legal assistance (payment of lawyers, experts who have provided secondary legal services). The rest is considered as providing advice and any other financial commitment in function of the institution's activity. The further increase is related to the fact of the opening of the primary legal aid service provision centers throughout the Republic of Albania and the changes in the legislation on employee salaries.

Bosnia and Herzegovina

(General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

(2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Montenegro

(2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

(2020): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately.

North Macedonia

(2024): This discrepancy is result of decrease of budget within of Ministry of Justice dedicated to free legal aid

(2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are calculated according to the Lawyers tariff, which was not a case in the previous years.

(2020): Provided data from courts and Ministry of Justice.
Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.
For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total budget for free legal aid. Because of that it not possible to be given separately.

Serbia

(2023): Annual approved public budget for the High Judicial Council for mandatory defense 11536009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.

(2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

(2020): TOTAL - Annual approved public budget allocated to legal aid (1 + 2) Total budget approved for 2020 was 6 million EUR. Nevertheless, due to COVID 19 and the fact that the budget was not spent during that budgetary year, there have been some adjustments to the total amount. 1. for cases brought to court (court fees and/or legal representation)
2. for cases not brought to court (legal advice, ADR and other legal services)
Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government budget. The actual payment takes place following the completion of a certain phase of the proceedings. Given that the law started implementation on October 1st 2019, most cases brought to court have not yet been finalized.

Kosovo*

(2024): KPC COMMENT: In our budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 1,218,303€ which we divided in 2 and the budget approved for lawyers being 609,151.5€.
FREE LEGAL AID AGENCY COMMENT: Based on the budget law No. 08/L-260, a budget of 537,831.00 € was allocated to the Free Legal Aid Agency in the following categories: Salaries and allowances 307,831.00 € goods and services 220,000.00 €;, and utilities 10,000.00 €.

(2022): Budget increased

(2021): In KPC budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 843,959€ which we divided in 2 and the budget approved for lawyers being 421,979.5€.
As for the discrepancies, they are due to Covid pandemic aftermath and budget review.

(2020): In this year, we have been able to obtain the data for categories 'cases brought to court and cases not brought to court' for criminal cases too. The budget concerning cases not brought to court is managed by Kosovo Prosecutorial Council(KPC), while the Budget concerning cases brought to court is managed by the Kosovo Judicial Council(KJC). Therefore, for cases not brought to court, we have used the data offered by KPC, while for cases brought to court, we have used the data from KJC.

Question 013

Albania

(2023): We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

(2021): Performance throughout 2021, the first year of full capacity operation of the free legal aid mechanism, has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid and exemption from court fees and costs. We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

(2020): The above data is referred to the implemented/ allocated budget of Free Legal Aid Directorate for 2020. The difference between allocated budget and implemented budget has come as a result of delays in the recruitment of FLAD staff but also employees of primary legal aid service centers in the districts of the Republic of Albania. Also, another factor is related to the financing procedures of 12 authorized non-profit organizations which provide primary legal aid, a procedure which is expected to start in March 2021.
Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerate number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. (the Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision). Hence, all these activities, were supported by an increased budget.

Bosnia and Herzegovina

(General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Montenegro

(2024): Courts in 2024 had an individually determined amount for providing BPP, it is contained within account 4146-advocate services and it amounted to €145,517.85. In 2024, €91,801.16 was realized for free legal aid. The remaining funds in the amount of €53,716.69 were returned to the State Treasury.

(2023): Not including ex officio mandatory representation. Legal aid is different specific category

(2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

(2020): A smaller number of requests for free legal aid were adopted, thus less money was spent.

North Macedonia

(2024): The amount of the approved budget was exceeded due to an increased number of requests and amounts, and payments were made from other lines of the budget of the Ministry, through repurposing.

(2023): In 2023, more criminal cases brought to court were concluded. The rise in the budget allocated to criminal cases may also be attributed to the complexity of these cases and their longer durations, resulting in higher expenses for lawyers.

(2022): Implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in our country.

(2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are payed according to the Lawyers tariff, which was not a case in the previous years.

(2020): The budget for the legal aid in criminal cases is composed by: the budget for ex-officio lawyers according to the Law on Criminal procedure and the poor law budget. There are no other criminal cases, except criminal cases brought to court.
A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.

Serbia

(2024): We received all the information from the relevant institutions.

(2023): Official data obtained from the Sector for financial affairs in the MOJ
Annual implemented public budget for the High Judicial Council for mandatory defense 11469009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.

(2022): Please note that the total amount refers only to the cases of granted free legal aid according the Law on free legal aid. This amount does not cover the free legal aid that was provided according to the Criminal Procedure Code (mandatory defense, etc.)
Q013: TOTAL - Annual implemented public budget allocated to legal aid (1 + 2) - 92056 euros. A greater number of cases of free legal aid in 2022 resulted in a greater amount of money spent on the provided free legal aid. The amount for 2022 is higher compared to the previous two years, taking into account that during 2022 all measures against covid-19 were canceled.

(2021): The budget for the Legal Aid is executed based on the requests from the municipalities (local governments) and can cover only up to 50% of the total budget spent annually by municipalities (local governments), based on the Law on Legal Aid.
The Legal Aid does not include "mandatory representation in criminal cases" by lawyers, before the Serbian courts, which is the cost covered by the High Judicial Council.

(2020): TOTAL - Annual implemented public budget allocated to legal aid (1 + 2)
If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:
Data shall be available for the next report.

Kosovo*

(2024): The Free Legal Aid Agency has spent a total budget of €476,000.14, according to these categories: Salaries and allowances 264,271.70 €, Goods and services 203,873.54 € and Municipal services 7,854.90 €.
The reason why the budget was not spent in full is due to the non-recruitment of the anticipated positions.
The budget of the Free Legal Aid Agency is not divided into separate parts for criminal cases and for other cases, but legal aid is offered in all legal fields; Civil, Administrative, Criminal and Misdemeanor, to all those citizens who fulfil the criteria based on law no. 04 / L-017 on Free Legal Aid or if they one of the special beneficiary categories of free legal aid based on law no. 08/L- 035 for the amendment and completion of the law no. 04/l-017 for free legal aid.
During 2024, the agency provided free legal aid to 8049 citizens. In the administrative procedure free legal aid was offered to 5853 citizens, in the civil procedure to 1887 citizens, in the criminal procedure to 270 citizens and in the misdemeanor procedure to 39 citizens.
Out of 8049 cases, the FLAA, through its officials, handled 7428 cases.
While 621 cases were referred to the lawyers who took actions for the parties, 562 of them in civil procedure, 12 in administrative procedure and 47 in criminal procedure).
In 2024 in the economic category, the expenses of representation and advocacy have been paid a total of €145,620.00, as well as about €1,145.00 are debts from the year 2025, which have been processed for payment in the budget of the year 2025. These expenses of the lawyers are expenses of the lawyers who are engaged over the years, not just in 2024.

(2021): As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was increased.

(2020): There is a difference between the approved and the implemented budget for Legal Aid, mainly because of the pandemic Covid 19. However, in the category "cases not brought to court" in criminal cases, the discrepancy between the approved and implemented budget is because the approved budget includes legal aid and expertise. At this moment, we are not been able to localize only the budget dedicated to legal aid. The courts have been dealing only with emergency cases for two and a half months in 2020(mid-March to June). However, even after the June, courts have not worked in their full capacities, because the Codiv-19 situation deteriorated again in July. The budget was reviewed in June, and significant reallocation in the budget were made. And of course, due to the lockdown, the number of criminal cases was lower compared to previous years and consequently, a part from the budget allocated to legal aid for criminal cases was reallocated.

2. Profile of the judiciary - Overview

2.1 Number of justice professionals

Number of justice professionals per 100 000 inhabitants in 2024 and variations (%) between 2019 and 2024 (Tables 2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.9, 2.1.12, 2.1.13, 2.1.14, 2.1.15, 2.1.17 and 2.1.19)

Beneficiaries	Justice professionals per 100 000 inhabitants													
	Judges		Court Presidents		Non-judge staff		Prosecutors		Heads of prosecution services		Non-prosecutor staff		Lawyers	
	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024
Albania	12,1	1,2%	0,7	42,9%	39,2	26,9%	7,5	-30,8%	0,8	-24,1%	25,7	23,6%	114,1	35,5%
Bosnia and Herzegovina	30,5	3,3%	2,3	0,0%	107,6	11,8%	10,6	-2,7%	0,5	0,0%	23,6	13,8%	61,5	20,8%
Montenegro	42,5	-14,5%	3,8	-4,0%	175,9	-0,3%	17,6	-10,6%	2,7	0,0%	50,7	39,0%	163,1	8,1%
North Macedonia	19,9	-26,8%	1,9	0,0%	105,0	-2,7%	9,3	-10,5%	1,3	4,5%	20,5	-1,3%	157,5	16,0%
Serbia	40,2	-1,8%	2,4	4,6%	136,0	8,6%	10,0	-15,4%	1,0	32,0%	23,1	44,3%	191,5	26,8%
Kosovo*	27,5	5,8%	0,6	NA	97,7	6,3%	9,5	-15,5%	0,6	0,0%	19,8	-42,3%	NA	NA
WB Average	29,0	-7,7%	2,2	8,7%	112,8	8,9%	11,0	-14,0%	1,3	2,5%	28,7	23,9%	137,5	21,4%

For reference only, the 2023 EU medians are as follows: 21,5 judges per 100 000 inhabitants; 60,2 non-judge staff per 100 000 inhabitants; 10,6 prosecutors per 100 000 inhabitants; 14,5 non-prosecutors staff per 100 000 inhabitants and 137,6 lawyers per 100 000 inhabitants.

Figure 2.1 Justice professionals per 100 000 inhabitants in 2024

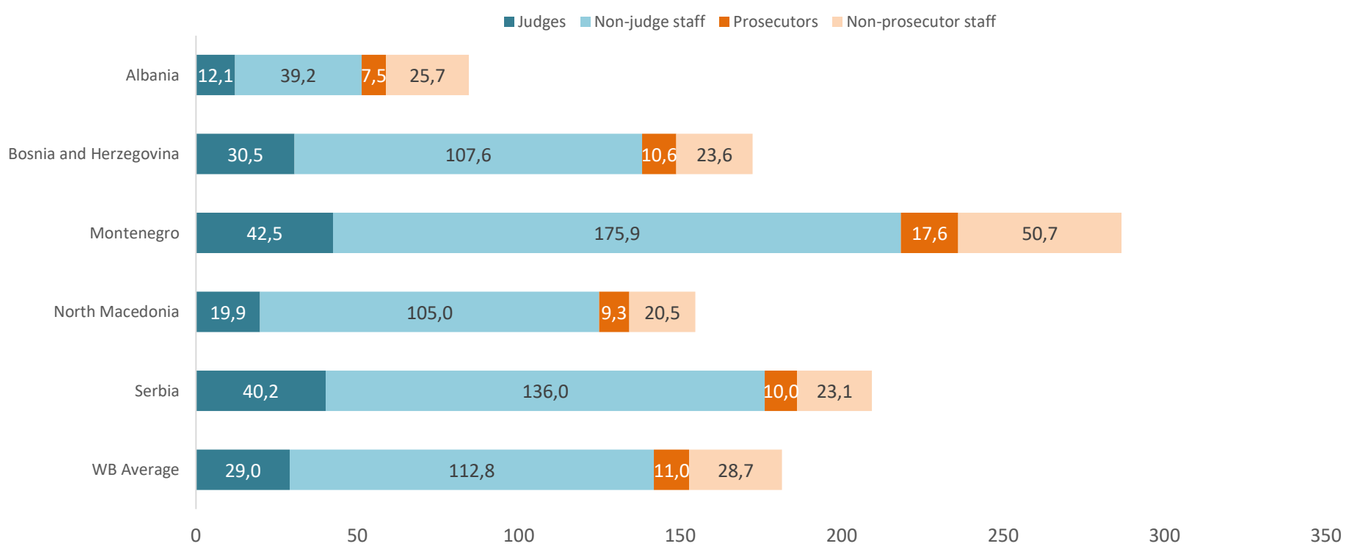
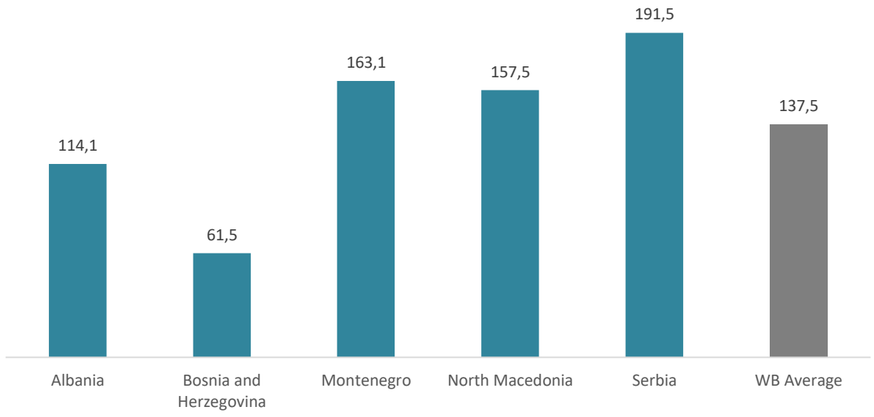


Figure 2.2 Lawyers per 100 000 inhabitants in 2024



North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

2.2 Average gross salary of professional judges and prosecutors

Average gross salary of professional judges and prosecutors in 2024 (Tables 2.2.2, 2.2.3, 2.2.6 and 2.2.7)

Beneficiaries	Judges						Prosecutors					
	At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2024		At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2024	
	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024	At the beginning of the career	At the Supreme Court	2024	% Variation 2019- 2024	2024	% Variation 2019- 2024	At the beginning of the career	At the Supreme Court
Albania	42 645 €	100,8%	49 898 €	93,1%	4,8	5,6	35 400 €	66,1%	47 700 €	83,4%	4,0	5,3
Bosnia and Herzegovina	33 078 €	34,1%	67 600 €	56,6%	2,5	5,2	38 216 €	54,9%	66 163 €	53,2%	2,9	5,0
Montenegro	21 124 €	10,1%	44 504 €	-1,1%	1,6	3,4	30 574 €	63,9%	45 714 €	40,4%	2,4	3,5
North Macedonia	32 759 €	92,3%	44 161 €	93,2%	2,7	3,7	28 487 €	70,8%	39 253 €	96,1%	2,4	3,2
Serbia	26 160 €	49,5%	61 190 €	49,7%	1,9	4,4	24 880 €	31,1%	42 732 €	21,8%	1,8	3,1
Kosovo*	22 939 €	-1,0%	31 860 €	-8,9%	3,4	4,7	22 939 €	0,0%	31 860 €	0,0%	3,4	4,7
WB Average	31 153 €	57,4%	53 471 €	58,3%	2,7	4,4	31 511 €	57,4%	48 312 €	59,0%	2,7	4,0

For reference only, the 2023 EU median for:

- the ratio of the judges' salary at the beginning of the career with average gross annual national salary is 1,9

- the ratio of the judges' salary at the Supreme Court with average gross annual national salary is 4,1

For reference only, the 2023 EU median for:

- the ratio of the prosecutors' salary at the beginning of the career with average gross annual national salary is 1,7

- the ratio of the prosecutors' salary at the Supreme Court with average gross annual national salary is 3,1

Figure 2.3 Judges' salary - Ratio with average gross annual national salary in 2024

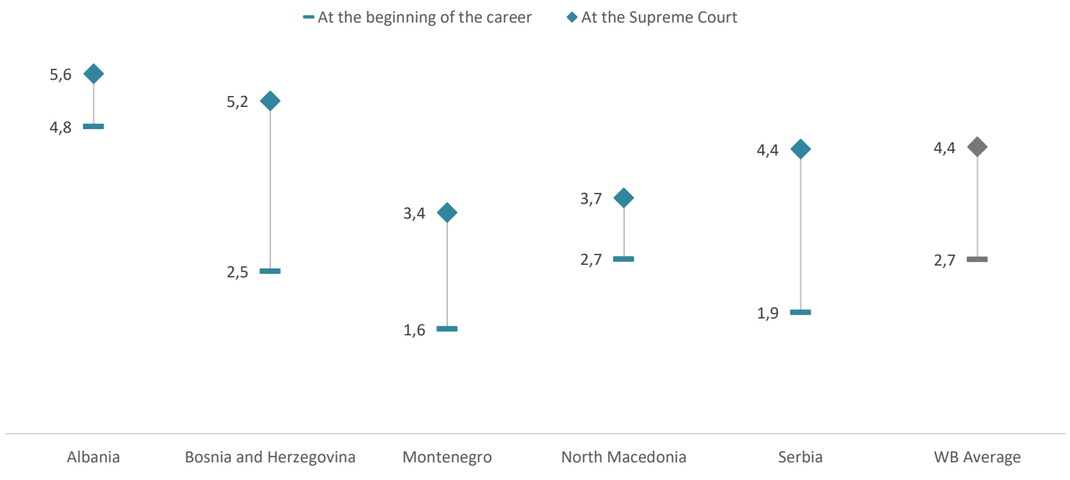
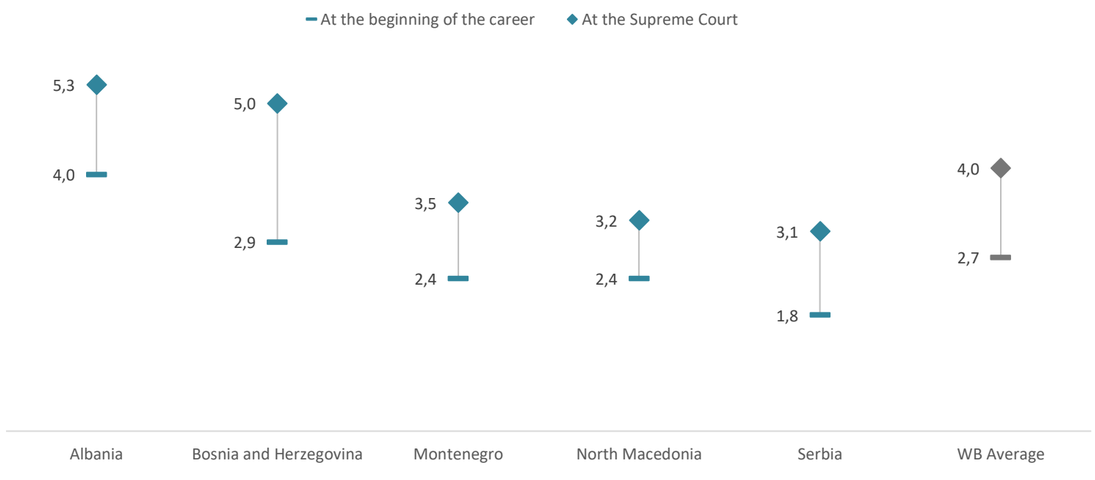


Figure 2.4 Prosecutors' salary - Ratio with average gross annual national salary in 2024



NB: In 2022, CEPEJ improved the methodology for data collection for salaries, expecially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

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Kosovo is not included in the calculation of summary statistics*

2.3 Organisation of the court system

Number of first instance general jurisdiction and specialised courts as legal entities and number first instance of courts as geographic location per 100 000 inhabitants in 2024 (Tables 2.3.2 and 2.3.6)

Beneficiaries	Number of first instance courts per 100 000 inhabitants			
	Legal entities			Geographic location
	Total	General jurisdiction	Specialised courts	First instance
Albania	0,6	0,5	0,1	0,5
Bosnia and Herzegovina	1,8	1,6	0,2	2,4
Montenegro	3,2	2,9	0,3	2,7
North Macedonia	1,5	1,5	0,1	1,5
Serbia	1,9	1,7	0,3	2,3
Kosovo*	0,5	0,4	0,1	2,0
WB Average	1,8	1,6	0,2	1,9

Figure 2.5 Percentage of first instance specialized courts within the total number of first instance courts in 2024

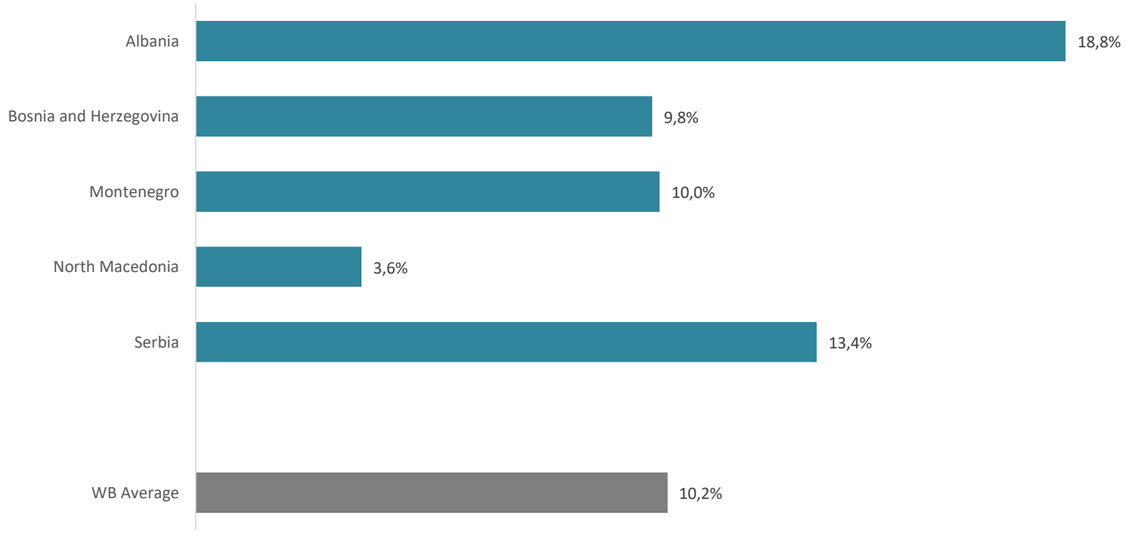
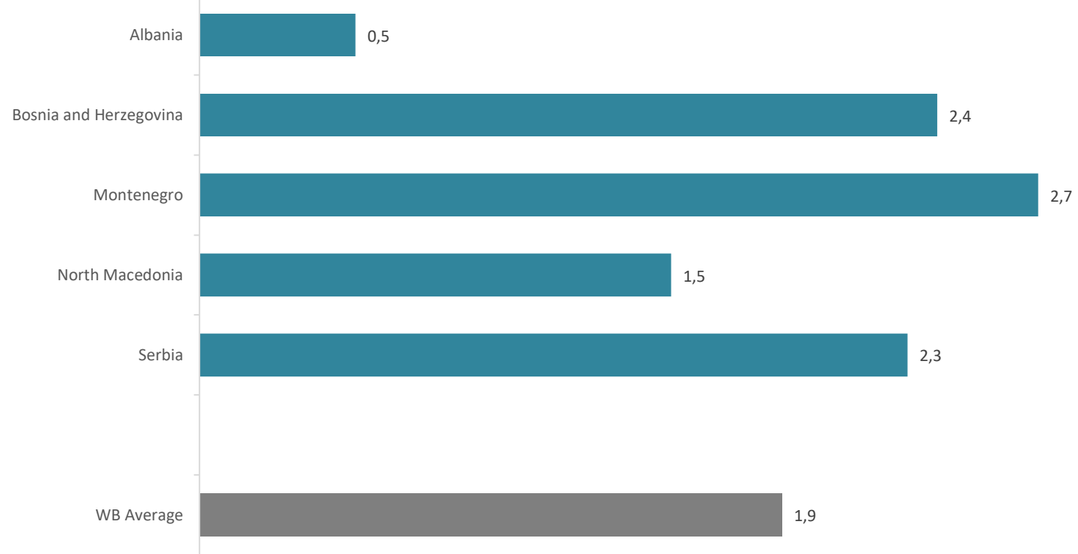


Figure 2.6 First instance courts (geographic locations) per 100 000 in 2024



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Kosovo is not included in the calculation of summary statistics*

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2. Profile of the judiciary - List of tables

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2.2 Organisation of the court system

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Table 2.3.3 Number and distribution of first instance specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Table 2.3.4 Number and distribution of higher instances specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

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2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance between 2019 and 2024 and its variations (Q19)

Beneficiaries	Number of professional judges																				% Variation of total number of professional judges	
	2019				2021				2022				2023				2024					
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2019 - 2024	2023 - 2024
Albania	329	249	79	1	329	253	66	10	318	238	64	16	247	183	46	18	333	267	48	18	1,2%	34,8%
Bosnia and Herzegovina	1011	664	226	121	998	659	223	116	1000	652	234	114	1014	657	239	118	1044	685	247	112	3,3%	3,0%
Montenegro	310	215	76	19	268	204	58	6	263	184	63	16	270	186	70	14	265	181	67	17	-14,5%	-1,9%
North Macedonia	496	381	96	19	473	362	92	19	409	315	80	14	392	313	64	15	363	280	72	11	-26,8%	-7,4%
Serbia	2702	2313	341	48	2720	2360	317	43	2657	2320	297	40	2636	2312	281	43	2654	2320	289	45	-1,8%	0,7%
Kosovo*	416	348	52	16	398	330	49	14	423	329	61	33	424	334	58	32	440	351	57	32	5,8%	3,8%
Average	970	764	164	42	958	768	151	39	929	742	148	40	912	730	140	42	932	747	145	41	-7,7%	5,8%
Median	496	381	96	19	473	362	92	19	409	315	80	16	392	313	70	18	363	280	72	18	-1,8%	0,7%
Minimum	310	215	76	1	268	204	58	6	263	184	63	14	247	183	46	14	265	181	48	11	-26,8%	-7,4%
Maximum	2702	2313	341	121	2720	2360	317	116	2657	2320	297	114	2636	2312	281	118	2654	2320	289	112	3,3%	34,8%

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Kosovo is not included in the calculation of summary statistics*

Table 2.1.2 Number of professional judges per 100 000 inhabitants by instance between 2019 and 2024 (Q1 and Q19)

Beneficiaries	Number of professional judges per 100 000 inhabitants																			
	2019				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	11,6	8,7	2,8	0,04	11,8	9,1	2,4	0,4	11,4	8,5	2,3	0,6	8,9	6,6	1,7	0,7	12,1	9,7	1,7	0,7
Bosnia and Herzegovina	28,9	19,0	6,5	3,5	28,7	19,0	6,4	3,3	29,0	18,9	6,8	3,3	29,5	19,1	7,0	3,4	30,5	20,0	7,2	3,3
Montenegro	50,0	34,7	12,3	3,1	43,2	32,9	9,4	1,0	42,4	29,7	10,2	2,6	42,6	29,4	11,1	2,2	42,5	29,0	10,7	2,7
North Macedonia	23,9	18,3	4,6	0,9	25,8	19,7	5,0	1,0	22,3	17,1	4,4	0,8	21,4	17,1	3,5	0,8	19,9	15,3	3,9	0,6
Serbia	38,8	33,2	4,9	0,7	39,6	34,3	4,6	0,6	39,1	34,1	4,4	0,6	39,7	34,8	4,2	0,6	40,2	35,1	4,4	0,7
Kosovo*	23,34	19,5	2,9	0,9	22,1	18,4	2,7	0,8	23,3	18,2	3,4	1,8	24,1	19,0	3,3	1,8	27,5	21,9	3,6	2,0
Average	30,6	22,8	6,2	1,6	29,8	23,0	5,6	1,3	28,8	21,7	5,6	1,6	28,4	21,4	5,5	1,6	29,0	21,8	5,6	1,6
Median	28,9	19,0	4,9	0,9	28,7	19,7	5,0	1,0	29,0	18,9	4,4	0,8	29,5	19,1	4,2	0,8	30,5	20,0	4,4	0,7
Minimum	11,6	8,7	2,8	0,0	11,8	9,1	2,4	0,4	11,4	8,5	2,3	0,6	8,9	6,6	1,7	0,6	12,1	9,7	1,7	0,6
Maximum	50,0	34,7	12,3	3,5	43,2	34,3	9,4	3,3	42,4	34,1	10,2	3,3	42,6	34,8	11,1	3,4	42,5	35,1	10,7	3,3

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Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.1.3 Distribution of professional judges by instance between 2019 and 2024 (Q19)

Beneficiaries	Distribution of professional judges														
	2019			2021			2022			2023			2024		
	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court
Albania	75,7%	24,0%	0,3%	76,9%	20,1%	3,0%	74,8%	20,1%	5,0%	74,1%	18,6%	7,3%	80,2%	14,4%	5,4%
Bosnia and Herzegovina	65,7%	22,4%	12,0%	66,0%	22,3%	11,6%	65,2%	23,4%	11,4%	64,8%	23,6%	11,6%	65,6%	23,7%	10,7%
Montenegro	69,4%	24,5%	6,1%	76,1%	21,6%	2,2%	70,0%	24,0%	6,1%	68,9%	25,9%	5,2%	68,3%	25,3%	6,4%
North Macedonia	76,8%	19,4%	3,8%	76,5%	19,5%	4,0%	77,0%	19,6%	3,4%	79,8%	16,3%	3,8%	77,1%	19,8%	3,0%
Serbia	85,6%	12,6%	1,8%	86,8%	11,7%	1,6%	87,3%	11,2%	1,5%	87,7%	10,7%	1,6%	87,4%	10,9%	1,7%
Kosovo*	83,7%	12,5%	3,8%	82,9%	12,3%	3,5%	77,8%	14,4%	7,8%	78,8%	13,7%	7,5%	79,8%	13,0%	7,3%
Average	74,6%	20,6%	4,8%	76,5%	19,0%	4,5%	74,9%	19,6%	5,5%	75,1%	19,0%	5,9%	75,7%	18,8%	5,5%
Median	75,7%	22,4%	3,8%	76,5%	20,1%	3,0%	74,8%	20,1%	5,0%	74,1%	18,6%	5,2%	77,1%	19,8%	5,4%
Minimum	65,7%	12,6%	0,3%	66,0%	11,7%	1,6%	65,2%	11,2%	1,5%	64,8%	10,7%	1,6%	65,6%	10,9%	1,7%
Maximum	85,6%	24,5%	12,0%	86,8%	22,3%	11,6%	87,3%	24,0%	11,4%	87,7%	25,9%	11,6%	87,4%	25,3%	10,7%

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Kosovo is not included in the calculation of summary statistics*

Table 2.1.4 Non-professional judges and trial by jury with the participation of citizen in 2024 (Q22, Q23, Q24)

Beneficiaries	Non-professional judges										Trial by jury with the participation of citizens		
	Gross figure	Full-time equivalents	Type of cases where non-professional judges are involved								Included in the system	Type of cases	
			Criminal cases (severe)	Criminal cases (misdemeanour and/or minor)	Family cases	Labour cases	Social cases	Commercial cases	Insolvency cases	Other civil cases		Criminal cases	Other than criminal cases
Albania	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
Bosnia and Herzegovina	116	NAP	Echevinage/ mixed bench	Echevinage/ mixed bench	No	No	No	No	No	No	No	NAP	NAP
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
North Macedonia	521	273	Echevinage/ mixed bench	No	Echevinage/ mixed bench	Echevinage/ mixed bench	Echevinage/ mixed bench	Echevinage/ mixed bench	No	No	No	NAP	NAP
Serbia	1 895	NA	Echevinage/ mixed bench	Echevinage/ mixed bench	Echevinage/ mixed bench	Echevinage/ mixed bench	No	Echevinage/ mixed bench	No	No	No	NAP	NAP
Kosovo*	98	NAP	No	No	Yes	No	No	No	No	No	No	NAP	NAP
Average	844	-											
Median	521	-											
Minimum	116	-											
Maximum	1 895	-											

Legende for types of cases where non-professional judges are involved
Yes
No
Echevinage/ mixed bench

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Kosovo is not included in the calculation of summary statistics*

Table 2.1.5 Number of court presidents by instance between 2021 and 2024 (Q19-1)

Beneficiaries	Number of court presidents by instance																% Variation of total number of court presidents	
	2021				2022				2023				2024					
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2021 - 2024	2023 - 2024
Albania	14	11	3	0	7	5	2	0	20	16	3	1	20	16	3	1	42,9%	0,0%
Bosnia and Herzegovina	80	59	18	3	79	58	18	3	79	59	17	3	80	59	18	3	0,0%	1,3%
Montenegro	25	20	4	1	25	20	4	1	24	19	4	1	24	19	4	1	-4,0%	0,0%
North Macedonia	34	28	5	1	34	28	5	1	34	28	5	1	34	28	5	1	0,0%	0,0%
Serbia	152	145	6	1	159	152	6	1	159	152	6	1	159	152	6	1	4,6%	0,0%
Kosovo*	NA	NA	NA	NA	-	-	-	-	10	7	2	1	10	7	2	1	NA	0,0%
Average	61	53	7	1	61	53	7	1	63	55	7	1	63	55	7	1	8,7%	0,3%
Median	34	28	5	1	34	28	5	1	34	28	5	1	34	28	5	1	0,0%	0,0%
Minimum	14	11	3	0	7	5	2	0	20	16	3	1	20	16	3	1	-4,0%	0,0%
Maximum	152	145	18	3	159	152	18	3	159	152	17	3	159	152	18	3	42,9%	1,3%

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Kosovo is not included in the calculation of summary statistics*

Table 2.1.6 Number of court presidents per 100 000 inhabitants by instance between 2021 and 2024 (Q1 and Q19-1)

Beneficiaries	Number of court presidents per 100 000 inhabitants															
	2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	0,5	0,4	0,1	0,00	0,3	0,2	0,1	0,00	0,7	0,6	0,1	0,04	0,7	0,6	0,1	0,04
Bosnia and Herzegovina	2,3	1,7	0,5	0,09	2,3	1,7	0,5	0,09	2,3	1,7	0,5	0,09	2,3	1,7	0,5	0,09
Montenegro	4,0	3,2	0,6	0,16	4,0	3,2	0,6	0,16	3,8	3,0	0,6	0,16	3,8	3,0	0,6	0,16
North Macedonia	1,9	1,5	0,3	0,05	1,9	1,5	0,3	0,05	1,9	1,5	0,3	0,05	1,9	1,5	0,3	0,05
Serbia	2,2	2,1	0,1	0,01	2,3	2,2	0,1	0,01	2,4	2,3	0,1	0,02	2,4	2,3	0,1	0,02
Kosovo*	NA	NA	NA	NA	0,55	0,4	0,1	0,06	0,57	0,4	0,1	0,06	0,6	0,4	0,1	0,06
Average	2,2	1,8	0,3	0,06	2,15	1,8	0,3	0,06	2,2	1,8	0,3	0,07	2,2	1,8	0,3	0,07
Median	2,2	1,7	0,3	0,05	2,29	1,7	0,3	0,05	2,3	1,7	0,3	0,05	2,3	1,7	0,3	0,05
Minimum	0,5	0,4	0,1	0,00	0,25	0,2	0,1	0,00	0,7	0,6	0,1	0,02	0,7	0,6	0,1	0,02
Maximum	4,0	3,2	0,6	0,16	4,03	3,2	0,6	0,16	3,8	3,0	0,6	0,16	3,8	3,0	0,6	0,16

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Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.1.7 Number of professional judges per court presidents by instance in 2024 (Q19 and Q19-1)

Beneficiaries	Number of professional judges per court presidents			
	2024			
	Total	First instance	Second instance	Supreme court
Albania	16,7	16,7	16,0	18,0
Bosnia and Herzegovina	13,1	11,6	13,7	37,3
Montenegro	11,0	9,5	16,8	17,0
North Macedonia	10,7	10,0	14,4	11,0
Serbia	16,7	15,3	48,2	45,0
Kosovo*	44,0	50,1	28,5	32,0
Average	13,6	12,6	21,8	25,7
Median	13,1	11,6	16,0	18,0
Minimum	10,7	9,5	13,7	11,0
Maximum	16,7	16,7	48,2	45,0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.8 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2019 and 2024 and its variations (Q1 and Q27)

Beneficiaries	2019		2021		2022		2023		2024		% Variation of number of non-judge staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2019 - 2024	2023 - 2024
Albania	880	30,9	1 030	36,9	1 057	37,8	1 034	37,4	1 084	39,2	26,9%	4,8%
Bosnia and Herzegovina	3 367	96,3	3 401	97,9	3 449	99,9	3 449	100,4	3 681	107,6	11,8%	7,2%
Montenegro	1 094	176,4	1 098	177,1	1 110	179,0	1 093	172,6	1 097	175,9	-0,3%	1,9%
North Macedonia	2 240	107,8	2 224	121,1	2 198	119,6	2 153	117,7	1 917	105,0	-2,7%	-10,8%
Serbia	8 718	125,2	8 771	127,6	9 076	133,5	9 042	136,2	8 983	136,0	8,6%	-0,1%
Kosovo*	1 529	85,8	1 487	82,7	1 590	87,7	1 607	91,2	1 565	97,7	6,3%	7,1%
Average	3 260	107,3	3 305	112,1	3 378	114,0	3 354	112,9	3 352	112,8	8,9%	0,6%
Median	2 240	107,8	2 224	121,1	2 198	119,6	2 153	117,7	1 917	107,6	8,6%	1,9%
Minimum	880	30,9	1 030	36,9	1 057	37,8	1 034	37,4	1 084	39,2	-2,7%	-10,8%
Maximum	8 718	176,4	8 771	177,1	9 076	179,0	9 042	172,6	8 983	175,9	26,9%	7,2%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.1.9 Number of non-judge staff by category between 2019 and 2024 (Q26)

Beneficiaries	2019						2021						2022						2023						2024					
	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff
Albania	880	NAP	478	174	228	NAP	1 030	NAP	597	190	243	NAP	1 057	NAP	625	198	234	NAP	1 034	NAP	580	252	202	NAP	1 084	NAP	638	276	170	NAP
Bosnia and Herzegovina	3 367	93	1 314	1 613	347	NAP	3 401	88	1 139	1 819	355	NAP	3 449	94	1 186	1 789	380	NAP	3 449	91	1 270	1 711	377	NAP	3 681	92	1 379	1 802	408	NAP
Montenegro	1 094	NAP	701	115	105	173	1 098	NAP	666	130	137	165	1 110	NAP	687	134	127	162	1 093	NAP	668	133	133	159	1 097	NAP	700	128	120	149
North Macedonia	2 240	NAP	517	1 394	143	186	2 224	NAP	561	1 324	150	189	2 198	NAP	562	1 301	141	194	2 153	NAP	547	1 278	139	189	1 917	NAP	472	1 122	139	184
Serbia	8 718	NAP	3 670	3 340	1 708	NAP	8 771	NAP	3 639	3 390	1 724	18	9 076	NAP	3 899	3 448	1 709	20	9 042	NAP	3 858	3 457	1 703	21	8 983	NAP	3 837	3 433	1 691	22
Kosovo*	1 529	NAP	656	399	465	NAP	1 487	NAP	603	393	491	NAP	1 590	NAP	1 071	115	404	NAP	1 607	NAP	672	551	384	NAP	1 565	NAP	989	239	337	NAP
Average	3 260	-	1 336	1 327	506	-	3 305	-	1 320	1 371	522	124	3 378	-	1 392	1 374	518	125	3 354	-	1 385	1 366	511	123	3 352	-	1 405	1 352	506	118
Median	2 240	-	701	1 394	228	-	2 224	-	666	1 324	243	165	2 198	-	687	1 301	234	162	2 153	-	668	1 278	202	159	1 917	-	700	1 122	170	149
Minimum	880	-	478	115	105	-	1 030	-	561	130	137	18	1 057	-	562	134	127	20	1 034	-	547	133	133	21	1 084	-	472	128	120	22
Maximum	8 718	-	3 670	3 340	1 708	-	8 771	-	3 639	3 390	1 724	189	9 076	-	3 899	3 448	1 709	194	9 042	-	3 858	3 457	1 703	189	8 983	-	3 837	3 433	1 691	184

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.10 Number and distribution of non-judge staff by instance between 2019 and 2024 (Q27)

Beneficiaries	Number of non-judge staff by instance																			
	2019				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	880	636	186	58	1 030	723	221	86	1 057	726	230	101	1 034	732	197	105	1 084	769	204	111
Bosnia and Herzegovina	3 367	2 562	511	294	3 401	2 589	509	303	3 449	2 621	525	303	3 449	2 613	538	298	3 681	2 808	555	318
Montenegro	1 094	860	198	36	1 098	857	205	36	1 110	865	210	35	1 093	861	196	36	1 097	849	207	41
North Macedonia	2 240	1 922	253	65	2 224	1 893	260	71	2 198	1 860	266	72	2 153	1 817	265	71	1 917	1 631	229	57
Serbia	8 718	7 822	702	194	8 771	7 869	705	197	9 076	8 155	707	214	9 042	8 100	716	226	8 983	8 052	710	221
Kosovo*	1 529	1 384	82	63	1 487	NA	NA	NA	1 590	NA	NA	NA	1 607	1 413	134	60	1 565	1 390	119	56
Average	3 260	2 760	370	129	3 305	2 786	380	139	3 378	2 845	388	145	3 354	2 825	382	147	3 352	2 822	381	150
Median	2 240	1 922	253	65	2 224	1 893	260	86	2 198	1 860	266	101	2 153	1 817	265	105	1 917	1 631	229	111
Minimum	880	636	186	36	1 030	723	205	36	1 057	726	210	35	1 034	732	196	36	1 084	769	204	41
Maximum	8 718	7 822	702	294	8 771	7 869	705	303	9 076	8 155	707	303	9 042	8 100	716	298	8 983	8 052	710	318

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.11 Ratio of non-judge staff per professional judge between 2019 and 2024 and its variations (Q19, Q27)

Beneficiaries	Ratio of non-judge staff per professional judge						
	2019	2021	2022	2023	2024	% Variation of the ratio	
						2019 - 2024	2023 - 2024
Albania	2,7	3,1	3,3	4,2	3,3	21,7%	-22,2%
Bosnia and Herzegovina	3,3	3,4	3,4	3,4	3,5	5,9%	3,7%
Montenegro	3,5	4,1	4,2	4,0	4,1	17,3%	2,3%
North Macedonia	4,5	4,7	5,4	5,5	5,3	16,9%	-3,8%
Serbia	3,2	3,2	3,4	3,4	3,4	4,9%	-1,3%
Kosovo*	3,7	3,7	3,8	3,8	3,6	3,1%	-6,2%
Average	3,5	3,7	4,0	4,1	3,9	13,3%	-4,3%
Median	3,3	3,4	3,4	4,0	3,5	16,9%	-1,3%
Minimum	2,7	3,1	3,3	3,4	3,3	4,9%	-22,2%
Maximum	4,5	4,7	5,4	5,5	5,3	21,7%	3,7%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

2.1 Public prosecutors and non-prosecutor staff

Table 2.1.12 Number of prosecutors by instance between 2019 and 2024 and its variations, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Beneficiaries	Number of prosecutors																				% Variation of total number of prosecutors		Persons with similar duties as prosecutors		
	2019				2021				2022				2023				2024								
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2019 - 2024	2023 - 2024	Persons with similar duties as prosecutors	If yes, how many (in FTE)	Is this number included in the count?
Albania	299	258	22	11	205	177	16	12	202	180	12	10	208	188	9	11	207	186	10	11	-30,8%	-0,5%			
Bosnia and Herzegovina	372	294	NAP	78	361	280	NAP	81	358	275	NAP	83	361	277	NAP	84	362	282	NAP	80	-2,7%	0,3%			
Montenegro	123	95	18	10	111	84	20	7	103	64	33	6	112	74	31	7	110	72	32	6	-10,6%	-1,8%			
North Macedonia	190	148	31	11	173	139	26	8	157	125	22	10	177	145	22	10	170	134	25	11	-10,5%	-4,0%			
Serbia	784	721	51	12	703	634	41	10	708	654	43	11	678	625	42	11	663	611	41	11	-15,4%	-2,2%			
Kosovo*	181	170	4	7	165	152	5	8	161	147	6	8	160	144	8	8	153	136	10	7	-15,5%	-4,4%			
Average	354	303	31	24	311	263	26	24	306	260	28	24	307	262	26	25	302	257	27	24	-14,0%	-1,6%			
Median	299	258	27	11	205	177	23	10	202	180	28	10	208	188	27	11	207	186	29	11	-10,6%	-1,8%			
Minimum	123	95	18	10	111	84	16	7	103	64	12	6	112	74	9	7	110	72	10	6	-30,8%	-4,0%			
Maximum	784	721	51	78	703	634	41	81	708	654	43	83	678	625	42	84	663	611	41	80	-2,7%	0,3%			

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes	
No	
NA	
NAP	

Table 2.1.13 Number of prosecutors per 100 000 inhabitants by instance between 2019 and 2024 (Q1 and Q28)

Beneficiaries	Number of prosecutors per 100 000 inhabitants																			
	2019				2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
Albania	10,5	9,1	0,8	0,4	7,3	6,3	0,6	0,4	7,2	6,4	0,4	0,4	7,5	6,8	0,3	0,4	7,5	6,7	0,4	0,4
Bosnia and Herzegovina	10,6	8,4	NAP	2,2	10,4	8,1	NAP	2,3	10,4	8,0	NAP	2,4	10,5	8,1	NAP	2,4	10,6	8,2	NAP	2,3
Montenegro	19,8	15,3	2,9	1,6	17,9	13,5	3,2	1,1	16,6	10,3	5,3	1,0	17,7	11,7	4,9	1,1	17,6	11,5	5,1	1,0
North Macedonia	9,1	7,1	1,5	0,5	9,4	7,6	1,4	0,4	8,5	6,8	1,2	0,5	9,7	7,9	1,2	0,5	9,3	7,3	1,4	0,6
Serbia	11,3	10,4	0,7	0,2	10,2	9,2	0,6	0,1	10,4	9,6	0,6	0,2	10,2	9,4	0,6	0,2	10,0	9,3	0,6	0,2
Kosovo*	10,2	9,5	0,2	0,4	9,2	8,5	0,3	0,4	8,9	8,1	0,3	0,4	9,1	8,2	0,5	0,5	9,5	8,5	0,6	0,4
Average	12,3	10,1	1,5	1,0	11,1	8,9	1,5	0,9	10,6	8,2	1,9	0,9	11,1	8,8	1,8	0,9	11,0	8,6	1,9	0,9
Median	10,6	9,1	1,1	0,5	10,2	8,1	1,0	0,4	10,4	8,0	0,9	0,5	10,2	8,1	0,9	0,5	10,0	8,2	1,0	0,6
Minimum	9,1	7,1	0,7	0,2	7,3	6,3	0,6	0,1	7,2	6,4	0,4	0,2	7,5	6,8	0,3	0,2	7,5	6,7	0,4	0,2
Maximum	19,8	15,3	2,9	2,2	17,9	13,5	3,2	2,3	16,6	10,3	5,3	2,4	17,7	11,7	4,9	2,4	17,6	11,5	5,1	2,3

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Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.1.14 Number of heads of prosecution offices by instance between 2021 and 2024 and its variations (Q28-1)

Beneficiaries	Number of heads of prosecution offices																% Variation of total number of court presidents	
	2021				2022				2023				2024					
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2021 - 2024	2021 - 2024
Albania	29	22	6	1	35	22	6	9	19	13	1	5	22	13	1	8	-24,1%	15,8%
Bosnia and Herzegovina	18	16	NAP	2	18	16	NAP	2	17	14	NAP	3	18	15	NAP	3	0,0%	5,9%
Montenegro	17	13	3	1	17	13	3	1	17	13	3	1	17	13	3	1	0,0%	0,0%
North Macedonia	22	17	4	1	23	18	4	1	23	18	4	1	23	18	4	1	4,5%	0,0%
Serbia	50	47	2	1	90	85	4	1	55	51	3	1	66	61	4	1	32,0%	20,0%
Kosovo*	10	8	1	1	10	8	1	1	10	8	1	1	10	8	1	1	0,0%	0,0%
Average	27	23	4	1	37	31	4	3	26	22	3	2	29	24	3	3	2%	8%
Median	22	17	4	1	23	18	4	1	19	14	3	1	22	15	4	1	0%	6%
Minimum	17	13	2	1	17	13	3	1	17	13	1	1	17	13	1	1	-24%	0%
Maximum	50	47	6	2	90	85	6	9	55	51	4	5	66	61	4	8	32%	20%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.15 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2021 and 2024 (Q1 and Q28-1)

Beneficiaries	Number of heads of prosecution offices per 100 000 inhabitant															
	2021				2022				2023				2024			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	1,0	0,8	0,2	0,04	1,3	0,79	0,21	0,32	0,7	0,47	0,04	0,18	0,8	0,5	0,0	0,29
Bosnia and Herzegovina	0,5	0,5	NAP	0,06	0,5	0,46	NAP	0,06	0,5	0,41	NAP	0,09	0,5	0,4	NAP	0,09
Montenegro	2,7	2,1	0,5	0,16	2,7	2,10	0,48	0,16	2,7	2,05	0,47	0,16	2,7	2,1	0,5	0,16
North Macedonia	1,2	0,9	0,2	0,05	1,3	0,98	0,22	0,05	1,3	0,98	0,22	0,05	1,3	1,0	0,2	0,05
Serbia	0,7	0,7	0,0	0,01	1,3	1,25	0,06	0,01	0,8	0,77	0,05	0,02	1,0	0,9	0,1	0,02
Kosovo*	0,6	0,4	0,1	0,06	0,55	0,44	0,06	0,06	0,6	0,5	0,1	0,06	0,6	0,5	0,1	0,06
Average	1,2	1,0	0,2	0,06	1,42	1,12	0,24	0,12	1,2	0,9	0,2	0,10	1,3	1,0	0,2	0,12
Median	1,0	0,8	0,2	0,05	1,25	0,98	0,22	0,06	0,8	0,8	0,1	0,09	1,0	0,9	0,1	0,09
Minimum	0,5	0,5	0,0	0,01	0,52	0,46	0,06	0,01	0,5	0,4	0,0	0,02	0,5	0,4	0,0	0,02
Maximum	2,7	2,1	0,5	0,16	2,74	2,10	0,48	0,32	2,7	2,1	0,5	0,18	2,7	2,1	0,5	0,29

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Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.1.16 Number of prosecutors per head of prosecution offices by instance in 2024 (Q28 and Q28-1)

Beneficiaries	Number of prosecutors per head of prosecution offices			
	2024			
	Total	First instance	Second instance	Supreme court
Albania	9,4	14,3	10,0	1,4
Bosnia and Herzegovina	20,1	18,8	NAP	26,7
Montenegro	6,5	5,5	10,7	6,0
North Macedonia	7,4	7,4	6,3	11,0
Serbia	10,0	10,0	10,3	11,0
Kosovo*	15,3	17,0	10,0	7,0
Average	10,7	11,2	9,3	11,2
Median	9,4	10,0	10,1	11,0
Minimum	6,5	5,5	6,3	1,4
Maximum	20,1	18,8	10,7	26,7

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.17 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2019 and 2024 and its variations (Q1 and Q32)

Beneficiaries	2019		2021		2022		2023		2024		% Variation of number of non-prosecutor staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2019 - 2024	2023 - 2024
Albania	592	20,8	607	21,7	593	21,2	608	22,0	710	25,7	23,6%	16,8%
Bosnia and Herzegovina	726	20,8	734	21,1	750	21,7	806	23,5	808	23,6	13,8%	0,7%
Montenegro	226	36,4	258	41,6	270	43,5	281	44,4	316	50,7	39,0%	14,2%
North Macedonia	432	20,8	367	20,0	368	20,0	375	20,5	375	20,5	-1,3%	0,2%
Serbia	1 117	16,0	1 317	19,2	1 421	20,9	1 485	22,4	1 529	23,1	44,3%	3,5%
Kosovo*	611	34,3	622	34,6	662	36,5	NA	NA	317	19,8	-42,3%	NA
Average	619	23,0	656,6	24,7	680,4	25,5	711,0	26,5	748	28,7	23,9%	7,1%
Median	592	20,8	607,0	21,1	593,0	21,2	608,0	22,4	710	23,6	23,6%	3,5%
Minimum	226	16,0	258,0	19,2	270,0	20,0	281,0	20,5	316	20,5	-1,3%	0,2%
Maximum	1 117	36,4	1 317,0	41,6	1 421,0	43,5	1 485,0	44,4	1 529	50,7	44,3%	16,8%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.1.18 Ratio of non-prosecutor staff per prosecutors between 2019 and 2024 and its variations (Q28, Q32)

Beneficiaries	Ratio of non-prosecutor staff per prosecutors						
	2019	2021	2022	2023	2024	% Variation of the ratio	
						2019 - 2024	2023 - 2024
Albania	2,0	3,0	2,9	2,9	3,4	73,2%	17,3%
Bosnia and Herzegovina	2,0	2,0	2,1	2,2	2,2	14,4%	0,0%
Montenegro	1,8	2,3	2,6	2,5	2,9	56,3%	14,5%
North Macedonia	2,3	2,1	2,3	2,1	2,2	-3,0%	4,1%
Serbia	1,4	1,9	2,0	2,2	2,3	61,9%	5,3%
Kosovo*	3,4	3,8	4,1	NA	2,1	-38,6%	NA
Average	1,9	2,3	2,4	2,4	2,6	40,6%	8,2%
Median	2,0	2,1	2,3	2,2	2,3	56,3%	5,3%
Minimum	1,4	1,9	2,0	2,1	2,2	-3,0%	0,0%
Maximum	2,3	3,0	2,9	2,9	3,4	73,2%	17,3%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

2.1 Lawyers

Table 2.1.19 Number of lawyers (absolute number and per 100 000 inhabitants) between 2019 and 2024 and its variations (Q33 and Q34)

Beneficiaries	Number of lawyers												
	2019		2021		2022		2023		2024		% Variation of number of lawyers		Does these figures include legal advisors?
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2019 - 2024	2023 - 2024	
Albania	2 396	84,2	2 633	94,3	3 000	107,4	NA	NA	3 150	114,1	35,5%	NA	
Bosnia and Herzegovina	1 779	50,9	1 910	55,0	1 981	57,4	2 047	59,6	2 102	61,5	20,8%	3,1%	
Montenegro	935	150,8	947	152,7	980	158,1	1 014	160,1	1 017	163,1	8,1%	1,8%	
North Macedonia	2 821	135,8	2 834	154,3	2 820	153,5	2 812	153,7	2 877	157,5	16,0%	2,5%	
Serbia	10 513	151,0	11 444	166,5	11 822	173,9	12 217	184,0	12 648	191,5	26,8%	4,1%	
Kosovo*	1 004	56,3	1 226	68,2	1 255	69,2	1 376	78,1	NA	NA	NA	NA	
Average	3 689	114,5	3 954	124,6	4 121	130,0	4 523	139,3	4 359	137,5	21,4%	2,9%	
Median	2 396	135,8	2 633	152,7	2 820	153,5	2 430	156,9	2 877	157,5	20,8%	2,8%	
Minimum	935	50,9	947	55,0	980	57,4	1 014	59,6	1 017	61,5	8,1%	1,8%	
Maximum	10 513	151,0	11 444	166,5	11 822	173,9	12 217	184,0	12 648	191,5	35,5%	4,1%	

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.1.20 Number of professional judges and lawyers per 100 000 inhabitants between 2019 and 2024 (Q1, Q19 and Q33)

Beneficiaries	2019		2021		2022		2023		2024	
	Professional Judges (per 100 000 inhabitants)	Lawyers (per 100 000 inhabitants)	Professional Judges (per 100 000 inhabitants)	Lawyers (per 100 000 inhabitants)	Professional Judges (per 100 000 inhabitants)	Lawyers (per 100 000 inhabitants)	Professional Judges (per 100 000 inhabitants)	Lawyers (per 100 000 inhabitants)	Professional Judges (per 100 000 inhabitants)	Lawyers (per 100 000 inhabitants)
Albania	11,6	84,2	11,8	94,3	11,4	107,4	8,9	NA	12,1	114,1
Bosnia and Herzegovina	28,9	50,9	28,7	55,0	29,0	57,4	29,5	59,6	30,5	61,5
Montenegro	50,0	150,8	43,2	152,7	42,4	158,1	42,6	160,1	42,5	163,1
North Macedonia	23,9	135,8	25,8	154,3	22,3	153,5	21,4	153,7	19,9	157,5
Serbia	38,8	151,0	39,6	166,5	39,1	173,9	39,7	184,0	40,2	191,5
Kosovo*	23,34	56,34	22,1	68,2	23,3	69,2	24,1	78,1	27,5	NA
Average	30,6	114,5	29,8	124,6	28,8	130,0	28,4	139,3	29,0	137,5
Median	28,9	135,8	28,7	152,7	29,0	153,5	29,5	156,9	30,5	157,5
Minimum	11,6	50,9	11,8	55,0	11,4	57,4	8,9	59,6	12,1	61,5
Maximum	50,0	151,0	43,2	166,5	42,4	173,9	42,6	184,0	42,5	191,5

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

2.2 Salaries of judges and public prosecutors

Table 2.2.1 Salaries of judges in € and in local currency in 2024 (Q15)

Beneficiaries	Salaries of judges in € in 2024				Salaries of judges in local currency in 2024				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Albania	42 645 €	49 898 €	30 723 €	38 544 €	ALL (Lek)	4 170 000	4 900 000	3 017 000	3 785 000
Bosnia and Herzegovina	33 078 €	67 600 €	22 201 €	42 371 €	BAM (Mark)	64 695	132 215	43 422	82 870
Montenegro	21 124 €	44 504 €	16 278 €	31 860 €	Euro	NAP	NAP	NAP	NAP
North Macedonia	32 759 €	44 161 €	21 295 €	28 817 €	MKD (Denar)	2 014 668	2 715 900	1 309 620	1 772 232
Serbia	26 160 €	61 190 €	15 940 €	37 250 €	RSD (Dinar)	3 064 100	7 159 600	1 865 400	4 358 600
Kosovo*	22 939 €	31 860 €	19 642 €	27 269 €	Euro	NAP	NAP	NAP	NAP
Average	31 153 €	53 471 €	21 287 €	35 768 €					
Median	32 759 €	49 898 €	21 295 €	37 250 €					
Minimum	21 124 €	44 161 €	15 940 €	28 817 €					
Maximum	42 645 €	67 600 €	30 723 €	42 371 €					

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.2 Gross annual salaries of judges (in €) between 2019 and 2024 (Q15)

Beneficiaries	Gross annual salary of judges, in €													
	At the beginning of the career							At the Supreme Court						
	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024
Albania	21 240 €	21 611 €	25 304 €	40 146 €	42 645 €	100,8%	6,2%	25 836 €	26 287 €	32 420 €	47 300 €	49 898 €	93,1%	5,5%
Bosnia and Herzegovina	24 668 €	27 462 €	29 224 €	30 963 €	33 078 €	34,1%	6,8%	43 179 €	45 503 €	55 907 €	63 632 €	67 600 €	56,6%	6,2%
Montenegro	19 188 €	18 233 €	19 557 €	20 276 €	21 124 €	10,1%	4,2%	45 018 €	34 897 €	32 864 €	43 765 €	44 504 €	-1,1%	1,7%
North Macedonia	17 038 €	15 103 €	19 170 €	27 387 €	32 759 €	92,3%	19,6%	22 863 €	24 154 €	27 023 €	36 829 €	44 161 €	93,2%	19,9%
Serbia	17 493 €	20 015 €	20 967 €	23 410 €	26 160 €	49,5%	11,7%	40 874 €	46 584 €	49 741 €	55 180 €	61 190 €	49,7%	10,9%
Kosovo*	23 172 €	22 939 €	22 939 €	22 939 €	22 939 €	-1,0%	0,0%	34 968 €	31 860 €	31 860 €	31 860 €	31 860 €	-8,9%	0,0%
Average	19 925 €	20 485 €	22 844 €	28 436 €	31 153 €	57,4%	9,7%	35 554 €	35 485 €	39 591 €	49 341 €	53 471 €	58,3%	8,8%
Median	19 188 €	20 015 €	20 967 €	27 387 €	32 759 €	49,5%	6,8%	40 874 €	34 897 €	32 864 €	47 300 €	49 898 €	56,6%	6,2%
Minimum	17 038 €	15 103 €	19 170 €	20 276 €	21 124 €	10,1%	4,2%	22 863 €	24 154 €	27 023 €	36 829 €	44 161 €	-1,1%	1,7%
Maximum	24 668 €	27 462 €	29 224 €	40 146 €	42 645 €	100,8%	19,6%	45 018 €	46 584 €	55 907 €	63 632 €	67 600 €	93,2%	19,9%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

NB: In 2022, CEPEJ improved the methodology for data collection for salaries, expecially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

Table 2.2.3 Net annual salaries of judges (in €) between 2019 and 2024 (Q15)

Beneficiaries	Net annual salary of judges, in €													
	At the beginning of the career							At the Supreme Court						
	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024
Albania	16 776 €	17 068 €	18 449 €	29 047 €	30 723 €	83,1%	5,8%	20 232 €	20 588 €	23 452 €	36 450 €	38 544 €	90,5%	5,7%
Bosnia and Herzegovina	15 801 €	17 671 €	18 401 €	20 679 €	22 201 €	40,5%	7,4%	26 857 €	31 154 €	35 051 €	39 843 €	42 371 €	57,8%	6,3%
Montenegro	12 656 €	12 216 €	14 167 €	15 568 €	16 278 €	28,6%	4,6%	29 445 €	21 246 €	22 678 €	31 893 €	31 860 €	8,2%	-0,1%
North Macedonia	11 274 €	9 968 €	12 598 €	17 923 €	21 295 €	88,9%	18,8%	15 044 €	15 941 €	17 683 €	24 042 €	28 817 €	91,6%	19,9%
Serbia	10 467 €	12 028 €	12 649 €	14 480 €	15 940 €	52,3%	10,1%	24 458 €	27 995 €	30 020 €	33 810 €	37 250 €	52,3%	10,2%
Kosovo*	20 064 €	19 879 €	19 879 €	19 635 €	19 642 €	-2,1%	0,0%	31 860 €	27 506 €	27 506 €	27 262 €	27 269 €	-14,4%	0,0%
Average	13 395 €	13 790 €	15 253 €	19 539 €	21 287 €	58,7%	9,3%	23 207 €	23 385 €	25 777 €	33 208 €	35 768 €	60,1%	8,4%
Median	12 656 €	12 216 €	14 167 €	17 923 €	21 295 €	52,3%	7,4%	24 458 €	21 246 €	23 452 €	33 810 €	37 250 €	57,8%	6,3%
Minimum	10 467 €	9 968 €	12 598 €	14 480 €	15 940 €	28,6%	4,6%	15 044 €	15 941 €	17 683 €	24 042 €	28 817 €	8,2%	-0,1%
Maximum	16 776 €	17 671 €	18 449 €	29 047 €	30 723 €	88,9%	18,8%	29 445 €	31 154 €	35 051 €	39 843 €	42 371 €	91,6%	19,9%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

NB: In 2022, CEPEJ improved the methodology for data collection for salaries, expecially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

Table 2.2.4 Ratio of the gross annual salaries of judges with average gross annual national salary in 2024 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of judges with average gross annual national salary in 2024	
	At the beginning of the career	At the Supreme Court
Albania	4,8	5,6
Bosnia and Herzegovina	2,5	5,2
Montenegro	1,6	3,4
North Macedonia	2,7	3,7
Serbia	1,9	4,4
Kosovo*	3,4	4,7
Average	2,7	4,4
Median	2,5	4,4
Minimum	1,6	3,4
Maximum	4,8	5,6

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.5 Salaries of public prosecutors in € and in local currency in 2024 (Q15)

Beneficiaries	Salaries of public prosecutors in € in 2024				Salaries of public prosecutors in local currency in 2024				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Albania	35 400 €	47 700 €	26 112 €	34 404 €	ALL (Lek)	3 488 440	4 700 160	2 572 908	3 389 892
Bosnia and Herzegovina	38 216 €	66 163 €	23 894 €	43 216 €	BAM (Mark)	74 743	129 403	46 732	84 524
Montenegro	30 574 €	45 714 €	23 071 €	33 887 €	Euro	NAP	NAP	NAP	NAP
North Macedonia	28 487 €	39 253 €	18 638 €	25 636 €	MKD (Denar)	1 751 928	2 414 066	1 146 272	1 576 639
Serbia	24 880 €	42 732 €	17 440 €	29 962 €	RSD (Dinar)	2 911 200	5 043 682	2 040 000	3 535 620
Kosovo*	22 939 €	31 860 €	19 642 €	27 269 €	Euro	NAP	NAP	NAP	NAP
Average	31 511 €	48 312 €	21 831 €	33 421 €					
Median	30 574 €	45 714 €	23 071 €	33 887 €					
Minimum	24 880 €	39 253 €	17 440 €	25 636 €					
Maximum	38 216 €	66 163 €	26 112 €	43 216 €					

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.6 Gross annual salaries of prosecutors (in €) between 2019 and 2024 (Q15)

Beneficiaries	Gross annual salary of prosecutors, in €													
	At the beginning of the career							At the Supreme Court						
	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024
Albania	21 312 €	23 449 €	23 507 €	30 336 €	35 400 €	66,1%	16,7%	26 004 €	28 608 €	31 673 €	40 872 €	47 700 €	83,4%	16,7%
Bosnia and Herzegovina	24 668 €	27 688 €	29 266 €	32 809 €	38 216 €	54,9%	16,5%	43 179 €	44 929 €	55 611 €	60 426 €	66 163 €	53,2%	9,5%
Montenegro	18 653 €	18 360 €	18 310 €	25 190 €	30 574 €	63,9%	21,4%	32 556 €	31 500 €	32 650 €	45 409 €	45 714 €	40,4%	0,7%
North Macedonia	16 679 €	15 178 €	18 014 €	27 387 €	28 487 €	70,8%	4,0%	20 015 €	18 503 €	25 461 €	36 829 €	39 253 €	96,1%	6,6%
Serbia	18 981 €	20 916 €	18 368 €	20 615 €	24 880 €	31,1%	20,7%	35 082 €	40 084 €	34 595 €	39 276 €	42 732 €	21,8%	8,8%
Kosovo*	22 939 €	22 939 €	22 939 €	22 939 €	22 939 €	0,0%	0,0%	31 860 €	31 860 €	31 860 €	31 860 €	31 860 €	0,0%	0,0%
Average	20 059 €	21 118 €	21 493 €	27 267 €	31 511 €	57,4%	15,9%	31 367 €	32 725 €	35 998 €	44 562 €	48 312 €	59,0%	8,5%
Median	18 981 €	20 916 €	18 368 €	27 387 €	30 574 €	63,9%	16,7%	32 556 €	31 500 €	32 650 €	40 872 €	45 714 €	53,2%	8,8%
Minimum	16 679 €	15 178 €	18 014 €	20 615 €	24 880 €	31,1%	4,0%	20 015 €	18 503 €	25 461 €	36 829 €	39 253 €	21,8%	0,7%
Maximum	24 668 €	27 688 €	29 266 €	32 809 €	38 216 €	70,8%	21,4%	43 179 €	44 929 €	55 611 €	60 426 €	66 163 €	96,1%	16,7%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

NB: In 2022, CEPEJ improved the methodology for data collection for salaries, expecially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

Table 2.2.7 Net annual salaries of prosecutors (in €) between 2019 and 2024 and its variations (Q15)

Beneficiaries	Net annual salary of prosecutors, in €													
	At the beginning of the career							At the Supreme Court						
	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024	2019	2021	2022	2023	2024	% Variation 2019 - 2024	% Variation 2023 - 2024
Albania	15 360 €	16 901 €	17 706 €	22 368 €	26 112 €	70,0%	16,7%	19 260 €	21 198 €	23 212 €	29 472 €	34 404 €	78,6%	16,7%
Bosnia and Herzegovina	15 801 €	17 750 €	18 472 €	20 605 €	23 894 €	51,2%	16,0%	26 857 €	30 597 €	34 548 €	37 536 €	43 216 €	60,9%	15,1%
Montenegro	12 305 €	12 300 €	12 840 €	18 983 €	23 071 €	87,5%	21,5%	21 336 €	21 105 €	24 150 €	33 035 €	33 887 €	58,8%	2,6%
North Macedonia	11 039 €	10 000 €	11 845 €	17 923 €	18 638 €	68,8%	4,0%	13 216 €	12 154 €	16 670 €	24 042 €	25 636 €	94,0%	6,6%
Serbia	13 266 €	14 688 €	12 858 €	14 460 €	17 440 €	31,5%	20,6%	24 849 €	28 100 €	24 186 €	27 487 €	29 962 €	20,6%	9,0%
Kosovo*	19 879 €	19 879 €	19 879 €	19 635 €	19 642 €	-1,2%	0,0%	27 506 €	27 506 €	27 506 €	27 506 €	27 269 €	-0,9%	-0,9%
Average	13 554 €	14 328 €	14 744 €	18 868 €	21 831 €	61,8%	15,8%	21 104 €	22 631 €	24 553 €	30 314 €	33 421 €	62,6%	10,0%
Median	13 266 €	14 688 €	12 858 €	18 983 €	23 071 €	68,8%	16,7%	21 336 €	21 198 €	24 150 €	29 472 €	33 887 €	60,9%	9,0%
Minimum	11 039 €	10 000 €	11 845 €	14 460 €	17 440 €	31,5%	4,0%	13 216 €	12 154 €	16 670 €	24 042 €	25 636 €	20,6%	2,6%
Maximum	15 801 €	17 750 €	18 472 €	22 368 €	26 112 €	87,5%	21,5%	26 857 €	30 597 €	34 548 €	37 536 €	43 216 €	94,0%	16,7%

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Kosovo is not included in the calculation of summary statistics*

NB: In 2022, CEPEJ improved the methodology for data collection for salaries, expecially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

Table 2.2.8 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2024 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2024	
	At the beginning of the career	At the Supreme Court
Albania	4,0	5,3
Bosnia and Herzegovina	2,9	5,0
Montenegro	2,4	3,5
North Macedonia	2,4	3,2
Serbia	1,8	3,1
Kosovo*	3,4	4,7
Average	2,7	4,0
Median	2,4	3,5
Minimum	1,8	3,1
Maximum	4,0	5,3

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Kosovo is not included in the calculation of summary statistics*

Table 2.2.9 Additional benefits and productivity bonuses for judges and prosecutors in 2024 (Q16 and Q18)

Beneficiaries	Judges					Prosecutors			
	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.2.10)	Productivity bonuses	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.2.10)
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									
Kosovo*									

Yes	
No	
NA	
NAP	

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Kosovo is not included in the calculation of summary statistics*

Table 2.2.10 Other financial benefits for judges and prosecutors in 2024 (Q17)

Beneficiaries	Other financial benefits for judges and prosecutors in 2024
Albania	Other financial benefits by the Law No. 96/2016 include: - compensation for service in the delegation scheme, for temporary transfer or for assignment temporary; - reward for skills; - supplementary state pension, according to the provision of this law and legislation on pensions supplementary state; - any other benefit, based on the special working conditions or personal situation and that family members of the magistrate, provided by the legislation in force. The magistrate has the right to once during the exercise of his function, after having exercised no less than three years of office, to benefit from a loan for the house financed by the state, average value of an apartment of 50 m2 in the area of the city center where the magistrate holds office.
Bosnia and Herzegovina	NAP
Montenegro	Special allowance, salary supplements for work in commissions and other bodies.
North Macedonia	In the Law on Public Prosecutors' Salaries is stipulated that Article 6-b 1)The public prosecutor has the right to a salary supplement for: - special working conditions, - existence of high risk and - confidentiality. 2)Salary supplements from paragraph (1) of this article are not mutually exclusive turn off. 3)The total amount of the allowances from paragraph (1) of this article no it can amount to more than 35% of the basic salary of the public prosecutor. The same provision is provided in the Law on salaries of judges, 1) A judge has the right to a salary supplement for: - special working conditions, - existence of high risk and - confidentiality. 2) Salary supplements from paragraph (1) of this article are not mutually exclusive turn off. 3) The total amount of the allowances from paragraph (1) of this article no may amount to more than 35% of the judge's basic salary.

Table 2.2.10 Other financial benefits for judges and prosecutors in 2024 (Q17)

Beneficiaries	Other financial benefits for judges and prosecutors in 2024
Serbia	THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS Persons who perform duties and tasks in state bodies and special organizational units referred to in this law have the right to a salary that cannot be higher than twice the amount of salar persons employed in corresponding duties and tasks in the Public Prosecutor's Office for War Crimes, the High Court in Belgrade , the Court of Appeal in Belgrade, the Ministry responsib the District Prison in Belgrade. Salaries of persons referred to in paragraph 1 of this article are regulated by the Government. THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN COMBATING ORGANIZED CRIME, TERRORISM AND CORRUPTION Salaries Article 11* Persons performing duties and tasks in state bodies referred to in Article 4 of this law have the right to a salary that cannot be higher than double the amount of salary that would be earne corresponding duties and tasks in the Public Prosecutor's Office for Organized Crime, High Court in Belgrade, The Court of Appeal in Belgrade, the Ministry responsible for internal affairs Belgrade. Salary increases for employees of the Public Prosecutor's Office for Organized Crime, the Special Department of the High Court in Belgrade for Organized Crime, the Special Department of the Court of Appeal in Belgrade for Organized Crime and the Special Detention Unit of the District Prison in Belgrade are regulat the proposal of the minister responsible for judicial affairs. The right to an insurance period with an increased duration Article 12 Judges assigned to the Special Department of the High Court for Organized Crime and the Special Department of the Court of Appeal for Organized Crime, as well as the Chief Public Pr Prosecutor, have the right to seniority of insurance which is calculated with increased duration, and that is by 12 months spent at work in the special departments of those courts, that is, t Office for organized crime counts as 16 months of insurance experience.
Kosovo*	NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

2.2 Organisation of the court system

Table 2.3.1 Number of courts (general jurisdiction and specialised courts as legal entities) in absolute number in 2024 (Q1, Q014-0-1 and Q014-0-2)

Beneficiaries	Number of courts (legal entities) in absolute number in 2024								
	Total number of all courts - legal entities (1 + 2)	General jurisdiction				Specialised courts			
		Total (1)	1st instance	2nd instance	Highest instance	Total (2)	1st instance	Higher instance	% of total specialised courts out of the total number of all courts (legal entities)
Albania	20	15	13	1	1	5	3	2	25,0%
Bosnia and Herzegovina	82	75	55	17	3	7	6	1	8,5%
Montenegro	25	23	18	4	1	2	2	NAP	8,0%
North Macedonia	34	32	27	4	1	2	1	1	5,9%
Serbia	159	131	110	30	1	18	17	1	11,3%
Kosovo*	11	9	7	1	1	2	1	1	18,2%
Average	64	55	45	11	1	7	6	1	12%
Median	34	32	27	4	1	5	3	1	9%
Minimum	20	15	13	1	1	2	1	1	6%
Maximum	159	131	110	30	3	18	17	2	25%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.3.2 Number of courts (general jurisdiction and specialised courts as legal entities) per 100 000 inhabitants in 2024 (Q1, Q014-0-1 and Q014-0-2)

Beneficiaries	Number of courts (legal entities) per 100 000 inhabitants in 2024							
	Total number of all courts - legal entities (1 + 2)	General jurisdiction				Specialised courts		
		Total (1)	1st instance	2nd instance	Highest instance	Total (2)	1st instance	Higher instance
Albania	0,72	0,54	0,47	0,04	0,04	0,18	0,11	0,07
Bosnia and Herzegovina	2,40	2,19	1,61	0,50	0,09	0,20	0,18	0,03
Montenegro	4,01	3,69	2,89	0,64	0,16	0,32	0,32	NAP
North Macedonia	1,86	1,75	1,48	0,22	0,05	0,11	0,05	0,05
Serbia	2,41	1,98	1,67	0,45	0,02	0,27	0,26	0,02
Kosovo*	0,69	0,56	0,44	0,06	0,06	0,12	0,06	0,06
Average	2,28	2,03	1,62	0,37	0,07	0,22	0,18	0,04
Median	2,40	1,98	1,61	0,45	0,05	0,20	0,18	0,04
Minimum	0,72	0,54	0,47	0,04	0,02	0,11	0,05	0,02
Maximum	4,01	3,69	2,89	0,64	0,16	0,32	0,32	0,07

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.3.3 Number and distribution of first instance specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Beneficiaries	Number of first instance specialised courts (legal entities) in 2024													
	Total specialised courts of first instance	Commercial courts (excluded insolvency courts)	Insolvency courts	Labour courts	Family courts	Rent and tenancies courts	Enforcement of criminal sanctions courts	Fight against terrorism, organised crime and corruption	Internet related disputes	Administrative courts	Insurance and / or social welfare courts	Military courts	Juvenile courts	Other specialised courts
Albania	3	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	2	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	6	6	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	2	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	NAP	NAP	NAP
North Macedonia	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	NAP	NAP	NAP
Serbia	17	16	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	NAP	NAP	NAP
Kosovo*	1	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	6	8	-	-	-	-	-	-	-	1	-	-	-	-
Median	3	6	-	-	-	-	-	-	-	1	-	-	-	-
Minimum	1	1	-	-	-	-	-	-	-	1	-	-	-	-
Maximum	17	16	-	-	-	-	-	-	-	2	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.3.4 Number and distribution of higher instances specialised courts (legal entities) in 2024 (Q1, Q14-0-2)

Beneficiaries	Number of higher instances specialised courts (legal entities) in 2024													
	Total specialised courts of higher instances	Commercial courts (excluded insolvency courts)	Insolvency courts	Labour courts	Family courts	Rent and tenancies courts	Enforcement of criminal sanctions courts	Fight against terrorism, organised crime and corruption	Internet related disputes	Administrative courts	Insurance and / or social welfare courts	Military courts	Juvenile courts	Other specialised courts
Albania	2	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	1	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	1	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
North Macedonia	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	NAP	NAP	NAP
Serbia	1	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	NAP	NAP	NAP
Kosovo*	1	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	1	-	-	-	-	-	-	-	-	1	-	-	-	-
Median	1	-	-	-	-	-	-	-	-	1	-	-	-	-
Minimum	1	-	-	-	-	-	-	-	-	1	-	-	-	-
Maximum	2	-	-	-	-	-	-	-	-	1	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.3.5 Number of courts (geographic locations) in absolute number in 2024 (Q1, Q14-0-3)

Beneficiaries	Number of courts (geographic locations) in absolute number in 2024		Percentage of first instance courts (geographic locations) within the total number of courts (geographic locations)
	All courts	First instance	
Albania	14	14	100%
Bosnia and Herzegovina	103	82	80%
Montenegro	17	17	100%
North Macedonia	34	28	82%
Serbia	159	152	96%
Kosovo*	32	32	100%
Average	65	59	92%
Median	34	28	96%
Minimum	14	14	80%
Maximum	159	152	100%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.3.6 Number of courts (geographic locations) per 100 000 inhabitants in 2024 (Q1, Q14-0-3)

Beneficiaries	Number of courts (geographic locations) per 100 000 inhabitants in 2024	
	All courts	First instance
Albania	0,5	0,5
Bosnia and Herzegovina	3,0	2,4
Montenegro	2,7	2,7
North Macedonia	1,9	1,5
Serbia	2,4	2,3
Kosovo*	2,0	2,0
Average	2,1	1,9
Median	2,4	2,3
Minimum	0,5	0,5
Maximum	3,0	2,7

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Indicator 2 - Profile of the judiciary

by country

Question 14. Average gross annual salary (in €) for the reference year
Question 15. Salaries of judges and public prosecutors on 31 December of the reference year:
Question 16. Do judges and public prosecutors have additional benefits?
Question 17. If "other financial benefit"
Question 18. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?
Question 19. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)
Question 19-1. Number of court presidents.
Question 22. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or "juges consulaires", but not arbitrators or persons sitting on a jury):
Question 23. If such non-professional judges exist at first instance in your country, please specify for which types of cases:
Question 24. Does your judicial system include trial by jury with the participation of citizens?
Question 25. If yes, for which type(s) of case(s)?
Question 26. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)
Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)
Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled).
Question 28-1. Number of heads of prosecution offices.
Question 29. In your judicial system, do other persons have similar duties to those of public prosecutors?
Question 30. If yes please provide the number (full-time equivalent)
Question 31. If yes, is their number included in the number of public prosecutors that you have indicated under question 28?
Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).
Question 33. Total number of lawyers practicing in your country:
Question 34. Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?
Question 014-0-2. Number of specialised courts – legal entities.
Question 014-0-3. Number of courts - geographic locations.

Albania

Q014 (2024): https://www.instat.gov.al/al/temat/tregu-i-pun%C3%ABs-dhe-arsimi/pagat/publikimet/2024/statistikat-e-pagave-t3-2024/. the average gross monthly salary for a salaried employee, for the third quarter of 2024 (since the data for the fourth quarter of 202 will be avaible in march 2025) was 77.669 AL Land the average gross annual salary was 932,028 ALL or 8954.50 EUR (exchange rate 1 euro = 104 ALL).

Average monthly gross salary for a salaried employee, during in the end of 2022, is 77.669 ALL, increasing by 5.9%, compared to the same quarter of the previous

Q014 (2022): (https://www.instat.gov.al/media/11344/statistikat-e-pagave-t4-2022.pdf), the average gross monthly salary for a salaried employee, in the end of 2022 was 66,014 AL Land the average gross annual salary was 792,168 ALL or 6,888 EUR (exchange rate 1 euro = 115 ALL).

Average monthly gross salary for a salaried employee, during in the end of 2022, is 66,014 ALL, increasing by 10.8%, compared to the data of previous years.

Q015 (2024): The changes in the salaries of the magistrates come as a result of the new salary of the magistrate pursuant to Law no. 33, dated 25.05.2023 "On an amendment to the law 96/2016 "On the status of judges and prosecutors in the Republic of Albania as amended, and the, Decision of Council of Ministers no. 325, dated 31.05.2023 "On the approval of the salary structure, salary levels and other salary increments of the deputy minister, cabinet officials, prefect, sub-prefect, civil servants and employees in some public administration institutions".

Q015 (2023): NA

Q015 (2022): The difference in amount from one year to another comes for two reasons:

the values are set in the Euro currency, which brings changes in the amount from year to year depending on the exchange rate at the time of reporting, since judges' salaries are calculated in Lek.

the maximum salary that is reported is the salary that is actually given to the judge who is paid more in the system and not the potential salary that the salary can go higher. This means that the maximum salary given, because it also includes the element of seniority at work, which of course changes every year.

Q015 (2020): The gross salary for the Appellate prosecutors is ALL 269268 and the net one is ALL 202687. While the salary in euro consists of the gross one of € 2025 and the net one of € 1524.
On the first January of 2019 the new salary scheme for judges and prosecutors entered into force. The new salary scheme, part of the justice reform law nearly doubled the salaries of judges and prosecutors, especially at first instance level.
A magistrate's salary is determined by the magistrate's affiliation to a salary group and the salary scale.
2. A magistrate's salary is categorised into salary groups (G), based on the following indicators:
a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1):
b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);
c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).
3. The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service.
4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.
5. The monthly gross salary of a magistrate consists of the following elements:
a) The basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of civil servants of first category, the third scale in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for judicial and prosecutorial positions to the "function-related salary" according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial positions as against the civil service positions or to enable its classification into the

Q016 (2020): In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m² per person. In case two persons in a household are entitled to a state funded home loan, this shall be benefited only by one of them."

Q018 (2022): Based on Article 16, paragraph 1, of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", stipulates "The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary".
In paragraph 2 it is determined that: "The Councils shall adopt more detailed rules on the remuneration according to paragraph 1 of this article by:
a) restricting the entitlement to a maximum to 5 % of magistrates annually, being evaluated during the previous calendar year. b) setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement."
Q018 (2020): The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. The Councils can adopt more detailed rules on the remuneration by: a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;
b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement. Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.
In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification.
In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.
5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

Q019 (2024): New judges were appointed in first instance in 2023

Q019 (2023): -In regard of the number of judges
Referred to the decision of Council of Ministers no. 495, dated 21.07.2022 "On the reorganization of judicial districts and territorial powers of the courts", on 01.07.2023 the process of implementing the New Judicial Map was completed, reorganizing the number of courts operating in the Republic of Albania from 38 courts to 20 courts.
Occurring in the conditions of a transitional year, due to the implementation of the New Judicial Map and due to the redistribution of the number of 408 magistrates (judges), referring to decision no. 553, dated 29.12.2022 "On the appointment of the number of magistrates in the Court of Appeal with General Jurisdiction", decision no. 146, dated 29.03.2023 "On determining the number of magistrates in the Courts of First Instance with General Jurisdiction" and decision no. 286, dated 29.05.2023 "On the determination of the number of magistrates in the Administrative Courts of the First Instance" of the Supreme Judicial Council, the comparison of data in specific courts becomes difficult.
However, the main factor in the reduction of the number of magistrates (judges) is attributed to the transitional re-evaluation process, and more specifically, in terms of losses from the system as a result of the transitional re-evaluation process, it is worth noting that 24 decision-making for dismissal from office resulted from The Appeal Chamber belonging to the year 2023, as well as resulting in 53 judges (magistrates) dismissed from office, with decision-making by the Independent Qualification Commission, of which 11 magistrates (judges) dismissed by the Independent Qualification Commission during 2023, who are waiting for the development of the process in The Appeal Chamber, meanwhile maintaining the status of a judge due to the suspension and simultaneously benefiting according to the law of 75% of the salary.
Also, in 2023, there are 6 magistrates (judges) who have left office, of which 2 magistrates (judges) have resigned from office and 4 magistrates (judges) have left due
Q019 (2022): During the year 2022 there where appointed new judges to the supreme court
Q019 (2020): Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 2 judges remained at the High Court. The rest of them either resigned or were dismissed by the vetting process. Currently the High court has 4 judges (one of them is currently acting as a member of the High Judicial Council, therefore his mandate as a High Court Judge has been
Q019-1 (2023): -In regard of the Court Presidents
From the data available to the Directorate of Human Resources, it results that currently in the courts of all levels, 1 (one) President of the Court and 20 (twenty) Deputy President of the Court exercise the function.
In fulfillment of legal obligations, with the minutes of the General Meeting of Supreme Court Judges, dated 17.10.2023, the President of the Supreme Court was resolved.
Meanwhile, within the framework of the proper functioning of the courts, the 20 courts operating in the Republic of Albania have elected a magistrate (judge) in the position of Deputy President of the Court .
In the absence of the required number of judges for voting in the election of the President of the court, the courts have continued with the elections for the Deputy President, in the framework of the proper functioning of the respective courts, as well as the fulfillment of the legal obligation.
Q019-1 (2022): The number of court presidents decreased due to different reasons. Several of the aforementioned court presidents were dismissed because of the vetting process, several of the first instance court presidents have been promoted to higher courts or have been appointed in the delegation scheme.
Q026 (2020): 2. non-judge staff assisting judges: new people were hired
4. technical staff: relocated
Q027 (2021): Public prosecutors and non-prosecutor staff.

Q027 (2020): 2. males non-judge staff working in courts at second instance: staff increased
Q028 (2024): GPO-The full time equivalent no. of prosecutors is 321. From this number, actually there are 207 prosecutors on duty; 44 prosecutors are suspended by the Revaluation process (Vetting) and there are also 70 vacancies
The number of female prosecutors has surpassed the number of male prosecutors for the year 2024.

Q028 (2023): Number of posts of prosecutors is 321. From this number, actually there are 208 prosecutors on duty; 49 prosecutors are suspended by the Revaluation process (Vetting) and there are also 64 vacancies. 1. Number of prosecutors at first instance level - 278 full-time equivalent - 188 post actually filled
2. Number of prosecutors at second instance (court of appeal) level - 26 full-time equivalent - 9 post actually filled
3. Number of prosecutors at Supreme Court level - 17 full-time equivalent - 11 post actually filled

Q028 (2022): 1. 321 full-time equivalent
202 post actually filled
2. 278 full-time equivalent
180 post actually filled
3. 26 full-time equivalent
12 post actually filled
4. 17 full-time equivalent
10 post actually filled
discrepancies with the answers of the previous campaign: From the vetting process during 2022 there where appointed new prosecutors graduate from the school of magistrate

Q028 (2021): Total number of prosecutors: 321 full-time equivalent, 205 posts actually filled.
Number of prosecutors at first instance level: 278 full-time equivalent, 177 posts actually filled.
Number of prosecutors at second instance (court of appeal) level: 26 full-time equivalent, 16 posts actually filled.
Number of prosecutors at Supreme Court level: 17 full-time equivalent, 12 posts actually filled.
Q028 (2020): The Special Prosecution prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level (not only representing before the first and second instance level). Also, from the 273 prosecutors acting in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.
Q028-1 (2023): The new judicial map has been implemented in the entire system of prosecutions of general jurisdiction. As a result, in 2023, the number of prosecutors of the first degree of general jurisdiction has been reduced from 22 to 13. Similarly, the number of appeal prosecutors of general jurisdiction has been consolidated from 6 to 1, with the sole appeal prosecutor now located in Tirana. Consequently, the number of managerial positions has also logically decreased, from
Q028-1 (2022): during the 2022 have been appointed head of prosecutions offices
Q032 (2024): Total number without the prosecutors is 742 (32 vakancies)/ From them 247 are Judicial Police Officers and the rest of 435, is supporting staff.

Q032 (2023): Numebr of posts of non-public prosecutor's staff is 1003. From this number, actually filling the posts are 608 employees. The staff is divided in judicial police officers, (246 full time equivalent and 226 actually filling the position) and administrative staff (395 full time equivalent and 382 actually filling the position). The j.p officers actually filling the positions are divided; 185 males and 41 females. The administrative staff actually filling the positions are divided; 98 males and 284 females.
Q032 (2021): From the total number, 160 are male judicial police officers and 40 are female judicial police officers. 112 are males having administrative duties and 295 are females having administrative duties.
Q032 (2020): 184 are judical police officers (47 females and 137 males) and 486 other staff (273 females and 213 males).
Q033 (2021): Total number of those who have lawyers' license/title is 11.934. However, the reported number (2633) is that of practicing lawyers.
Q034 (2021): There is no category of "legal advisors'' within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.
Q034 (2020): There is no category of "legal advisors'' within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.
Q014-0-3 (2024): According to the new judicial map the number of courts – geographic locations is 14. In reference to decision 147, dated 29.03.2023 of the HJC "For determining the categories of courts", is provided as below:
The first or otherwise high category of courts is located in Tirana. This includes The High Court, Court of Appeal of General Jurisdiction, Special Court of Appeal for Corruption and Organized Crime, The Administrative Court of Appeal, Court of First Instance of the General Jurisdiction of Tirana, Special Court of First Instance for Corruption and Organized Crime, Administrative Court of First Instance of Tirana.
The second or otherwise middle category, includes courts of first instance of the general jurisdiction of the districts Durrës, Elbasan, Fier, Korçë, Shkodër, Vlorë, Berat, Lezhë; as well as the Administrative Court of First Instance of Lushnje.
The third or lower category of courts, includes courts of first instance of the general jurisdiction of the districts Dibër, Gjirokastër, Kukës, Sarandë.
Q014-0-3 (2023): According to the new judicial map the number of courts – geographic locations is 14. In reference to decision 147, dated 29.03.2023 of the HJC "For determining the categories of courts", is provided as below:
The first or otherwise high category of courts is located in Tirana. This includes The High Court, Court of Appeal of General Jurisdiction, Special Court of Appeal for Corruption and Organized Crime, The Administrative Court of Appeal, Court of First Instance of the General Jurisdiction of Tirana, Special Court of First Instance for Corruption and Organized Crime, Administrative Court of First Instance of Tirana.
The second or otherwise middle category, includes courts of first instance of the general jurisdiction of the districts Durrës, Elbasan, Fier, Korçë, Shkodër, Vlorë, Berat, Lezhë; as well as the Administrative Court of First Instance of Lushnje.
The third or lower category of courts, includes courts of first instance of the general jurisdiction of the districts Dibër, Gjirokastër, Kukës, Sarandë.

Bosnia and Herzegovina

Q014 (General Comment): The Bosnia and Herzegovina Statistics Agency reports on the average gross salary in the country for the previous year (i.e. 2023 in this reporting cycle).

Q014 (2024): The growth of the gross salaries in BiH in 2024 compared to the previous was 9.8%; it was slightly lower than the growth of gross salaries in 2023 compared to 2022 (13.0%). The salaries in the public sector increased, while there was a certain salary increase in the private sector as well. Moreover, a significant nominal salary increase is part of a regional trend present in neighboring countries as well.
Q014 (2023): In 2023, according to the Agency for Statistics of Bosnia and Herzegovina salaries continued to rise both in the public sector and the private sector in Bosnia and Herzegovina, mostly due to various drastic changes in the domestic and global economy such as rise in inflation and increase in product prices.
Q014 (2022): In 2022, according to the Agency for Statistics of Bosnia and Herzegovina salaries significantly increased both in the public sector and the private sector in Bosnia and Herzegovina, mostly due to various drastic changes in the domestic and global economy such as rise in inflation and increase in product prices.
Q014 (2020): http://www.bhas.ba/data/Publikacije/Saopstenja/2021/LAB_05_2020_H2_0_BS.pdf
Q014 (2019): http://bhas.gov.ba/data/Publikacije/Saopstenja/2020/LAB_05_2019_H2_0_BS.pdf

Q015 (General Comment): First of all, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office folders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors. The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary amount as prescribed by law together with allowances added to the net salary subject to years of employment, and other contributions for the calculation of gross salaries. Deviations occur due to the application of different legal regulations on entity level, i.e. specifically with reference to judicial office positions in one of the jurisdictions in Bosnia and Herzegovina (i.e. the Brcko District of Bosnia and Herzegovina), where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.
Q015 (2022): Due to the changes in the Dashboard Western Balkans Questionnaire for 2022, the amount of salaries of judges and public prosecutors in Bosnia and Herzegovina at the Highest Appellate Instance is significantly higher in 2022 compared to the relevant figure included in the Dashboard Western Balkans Questionnaire for 2021.
Q015 (2021): The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary amount as prescribed by law together with allowances added to the net salary subject to years of employment, and other contributions for the calculation of gross salaries. Deviations occur due to the application of different legal regulations on entity level, i.e. specifically with reference to judicial office positions in the Brcko District BiH, where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

Q015 (2020): Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office folders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors.

Q016 (2019): Judges and prosecutors are entitled to certain benefits as all other public sector employees. The public sector employees are entitled to receive benefits in addition to wages such as health and retirement contributions, overtime pay, meal expense allowance, transport expense allowance, retirement pay, funeral expenses, etc.

Q019 (General Comment): The number of court presidents is included in the number of judges.

There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.

Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.

Q019 (2020): The numbers provided do not include information on the number of court presidents and reserve judges (Q20). The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). 76 court presidents were appointed on 31st December 2020.

Q019 (2019): The numbers provided do not include information on the number of court presidents and reserve judges (Q20).

Q022 (General Comment): Lay judges are citizens who hear and decide criminal cases together with professional judges. Lay judges are appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and they play a role in the Bosnia and Herzegovina judicial system, due to application of previously valid criminal procedural laws that required their participation.

The procedural laws have been changed in a way that participation of lay judges is not required any longer, but due to a backlog of cases, their participation is still needed. Concretely, courts adjudicate the criminal law cases by panels that include lay judges if the proceedings were instituted before the currently valid Criminal Procedure Codes came into force.

Q022 (2024): In 2024, the trend of decreasing the number of non-professional judges continued, in line with a decrease in the number of old pending criminal cases in courts.
Q022 (2023): In 2023, the trend of decreasing the number of non-professional judges continued, in line with a decrease in the number of old pending criminal cases in courts.
Q022 (2022): In 2022, the trend of decreasing the number of non-professional judges continued, in line with a decrease in the number of old pending criminal cases in courts.
Q026 (General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.
Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.
Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.
Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.
The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non-contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. appointment procedure, disciplinary procedure etc.).

Q026 (2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.
Category 1. Rechtspfleger (or similar bodies): The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints in a public competition procedure judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications which are set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. disciplinary procedure, rules on productivity etc.).
Category 2. Non-judge staff includes positions such as: law clerk, court typist/administrative judicial assistant, witness support officer etc.
Category 3. Staff in charge of different administrative tasks and of the management of the courts includes positions such as: court administrator, secretary to court president, human resource management officer, court registry staff, ICT staff, financial and budgetary officer, land registry and business registry staff, bailiff etc.
Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.
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Q028 (General Comment): The number of heads of prosecution offices is included in the number of prosecutors.
There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.
Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.
Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.
Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.
Q028 (2020): The numbers provided in the table above do not include information on the number of chief prosecutors.
18 chief prosecutors were appointed on 31st December 2020.
The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020).
Q028 (2019): The numbers provided in the table above do not include information on the number of chief prosecutors.
The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). There were 19 chief prosecutors on 31st December 2019.
Additional comments Q019 (Number of professional judges): The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 -

Q032 (General Comment): The number of staff includes all categories of employees in prosecutors' offices except prosecutors. Employees who assist prosecutors in the work on cases, employees who perform all other tasks necessary for the functioning of the prosecutor's office and employees who perform the necessary technical tasks.
The categories of employees who are included in our response are the following: -Administrative, accounting and legal affairs -Typists, prosecutorial assistant
-ICT staff
-Investigators in prosecutors' offices
-Public Relations officers
-Expert for Witness support/protection of minors
-Support to prosecutors in case work (example – trainees)
-Expert associates/advisors - support to prosecutors in the work on cases (example – Economic expert)
-Supporting Technical staff (example – driver)

Q032 (2023): The number of staff includes all categories of employees in prosecutors' offices except prosecutors. Employees who assist prosecutors in the work on cases, employees who perform all other tasks necessary for the functioning of the prosecutor's office and employees who perform the necessary technical tasks.
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-ICT staff
-Investigators in prosecutors' offices
-Public Relations officers
-Expert for Witness support/protection of minors
-Support to prosecutors in case work (example – trainees)
-Expert associates/advisors - support to prosecutors in the work on cases (example – Economic expert)
-Supporting Technical staff (example – driver)

Q032 (2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.
Q032 (2019): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.
Q033 (General Comment): Bar associations from Bosnia and Herzegovina submitted data on the number of lawyers registered in their official registers at the end of the reporting year. Only lawyers enrolled in the public registry of lawyers have the right to represent and defend all physical and legal persons before courts, administrative authorities and all other institutions in the state.
Q014-0-3 (General Comment): The relevant laws regulate the organization, jurisdiction and operation of courts. Courts and court branches are established and dissolved by law. Courts conduct their activities at their seats. Courts may conduct their activities outside their seats in: court branches and by holding court days. Court president decides on holding court days.

Q014-0-3 (2023): The relevant laws regulate the organization, jurisdiction and operation of courts. Courts and court branches are established and dissolved by law. Courts conduct their activities at their seats. Courts may conduct their activities outside their seats in: court branches and by holding court days. Court president decides on holding court days. There were 21 additional geographical locations in 2023 outside the geographical locations of the respective courts' seats at which the first instance courts of general jurisdictions were conducting their activities such as holding hearings and other activities. The vast majority of the additional geographical locations were classified as court branches, whereas court days were scheduled in only 2 geographical locations.

Montenegro
Q014 (2023): data source: National Statistical Administration
Q014 (2022): Average gross salary in 2022
Q015 (2024): The salary of a state prosecutor at the beginning of his career is calculated according to the coefficient of 15.56, while the salary of a state prosecutor at the Supreme State Prosecutor's Office is calculated according to the coefficient of 22.48, in accordance with Article 22 of the Law on wages of employees in the public sector
Q015 (2023): Increase of salaries 2023 is a result of the adoption of new so called "Branch collective agreement for the administration and judiciary" (the agreement between employers and unions) which foresees possibilities of increase of basic salary for overtime and on-call and similar types of out of operating hours work
Q015 (2021): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 2021 had the highest number of years of work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service remained in the Supreme Court.
Q015 (2020): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 2020 had the highest number of years of work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service remained in the Supreme Court.
Q016 (2024): Special allowance, salary supplements for work in commissions and other bodies
Q019 (2022): some of the judges were retired and in the meantime new judges elected
Q019 (2021): During 2021, the Judicial Council noted the termination of the judicial function for 54 judges. Out of that, 19 judges were in the position related to the second instance before the termination of their judicial function, while 12 judges performed the function of a judge of the Supreme Court of Montenegro. For this reason, there was a difference compared to last year's report. In particular, a number of judges have exercised their right to a pension. The procedure for selecting new judges takes some time. At the beginning of 2022, a number of new judges were elected (eg 11 new judges of the Supreme Court of Montenegro)

Q019 (2020): Even though the percentage discrepancy in the reported values seems drastic, those values may be misleading. The number of total judges has not changed drastically. Last year:
Number of Supreme Court professional judges total - 19 judges
Males:- 5
Females- 14
This year: total - 18
males - 3
females - 15

Q019-1 (2024): Note: The basic court in Žabljak does not have a court president or a judge
Q019-1 (2023): The Basic Court in Žabljak does not have a Court President, while the Supreme Court of Montenegro, the Higher Misdemeanor Court, the Basic Court in Nikšić, and the Basic Court in Danilovgrad have Acting Presidents of the Court.
Q019-1 (2022): new presidents elected in the meantime
Q026 (2021): Regarding "2. Non-judge (judicial) staff whose task is to assist the judges such as registrars" - this is not a significant discrepancy (last report there the answer was 78)
Please take into account that in last year's report, the percentage of women in the "Other non-judge staff" category was 17.48, while this year the percentage was 26.06, which we believe is not a big deviation.
Q026 (2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.
Q027 (2021): The Judicial Council pointed out the fact that there has been a reduction in the number of employees in the Supreme Court of Montenegro, and for that reason the number of men is lower compared to last year's report.
Q027 (2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.
Q028 (2023): Special State Prosecutor s Office has 15 proecutors, 8 males and 7 females. This is counted in total as well as in section 2. because they are also competent for the court of appeal cases
Q028 (2022): Section 2 includes also prosecutors of the Special State Prosecutor’s Office,
Q028 (2021): Although in percentage terms these are changes that can be characterized as significant, we believe that these changes are not significant. Significant differences in percentages can occur because the total number of prosecutors is relatively small.
Q028 (2020): In the column ”Number of prosecutors at first instance level”, in addition to the number of state prosecutors in the basic state prosecutor's offices the number of special state prosecutors is included.
Q032 (2024): all staff civil servants full time employed.
According to internal organization and systematization acts in state prosecutor’s offices, there are employees with the following titles: secretary, head of cabinet, advisor, chief, head of registry office, independent advisor I, independent advisor II, independent advisor III, senior advisor I, senior advisor II, senior advisor III, advisor I, advisor II, advisor III, independent clerk, clerk, senior employee, employee and trainee.

Q032 (2023): all staff civil servants full time employed.
According to internal organization and systematization acts in state prosecutor's offices, there are employees with the following titles: secretary, head of cabinet, advisor, chief, head of registry office, independent advisor I, independent advisor II, independent advisor III, senior advisor I, senior advisor II, senior advisor III, advisor I, advisor II, advisor III, independent clerk, clerk, senior employee, employee and trainee.
Q032 (2022): According to internal organization and systematization acts in state prosecutor's offices, there are employees with the following titles: secretary, head of cabinet, advisor, chief, head of registry office, independent advisor I, independent advisor II, independent advisor III, senior advisor I, senior advisor II, senior advisor III, advisor I, advisor II, advisor III, independent clerk, clerk, senior employee, employee and trainee.

Q033 (2022): Source of data: Bar Association
Q014-0-2 (2023): High misdemeanour court
Q014-0-3 (2024): We interpreted the city as a geographic location, therefore there is no difference between first instance courts geographic locations and all the courts geographic locations.
Q014-0-3 (2023): There are 25 courts on 16 geographic locations.
Podgorica (Basic court, Administrative court, Commercial court, High court, Appellate court, Supreme court, Misdemeanour court, High misdemeanour court) Bijelo Polje (Basic court, High court, Misdemeanour court)
Basic courts: Ulcinj, Bar, Cetinje, Kotor, Herceg Novi, Nikšić, Žabljak, Pljevlja, Danilovgrad, Kolašin, Berane, Plav, Rožaje
Budva: Misdemeanour court

North Macedonia
Q015 (2023): Salaries increased due to a decision of the Constitutional Court. Decision of the Constitutional Court effects several laws governing the salaries of appointed and elected officials, judges, and public prosecutors followed a specific methodology for calculating salaries. According to this methodology, salaries were determined by multiplying a coefficient defined by law with a fixed amount specified as the legally established basis. However, the Constitutional Court overturned the provision that specified the fixed amount as the legally established basis. Consequently, a new methodology defined in the law is still in force where the coefficient defined by law is multiplied by the average monthly salary in the state. This change has led to a rapid increase in salaries for judges, prosecutors, and other appointed and elected individuals.
Q015 (2022): In 2022 public prosecutors in the PPO for organized crime had an additional financial benefits of 35% of the salary every month. In 2022 the highest gross/net annual salary of the public prosecutor for organized crime was 26.179 /17.135 euros.
Also, in 2022 there were additional financial benefits for judges, 15-30%.
Q015 (2021): There are discrepancies from the last report because the lowest value of the salary for 2021 for the first instance professional judge at the beginning of his/her career is for the judge that has less professional experience than the judge before.
Q015 (2020): The annual salaries of judges are lower in 2020 in comparison to 2019, because in 2019 a higher amount of allowances has been paid on judges for the previous years. That type of allowances has not been paid in 2020.
Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law on salaries for public prosecutors.

Q019 (General Comment): The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.
Q019 (2022): 3. The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

Q019 (2021): 1. Number of first instance professional judges is the sum of the number of judges in all 27 basic courts and judges in Administrative court.
2. Number of second instance professional judges is the sum of the number of judges in all 4 appellate courts and judges in High Administrative court.
The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.
Q019 (2020): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.
In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.
Number of Supreme Court professional judges - Female: The number is higher because of new elected judges in 2020.
Q019-1 (2022): The numbers are too low, the difference is only 1 person.

Q022 (General Comment): Law on courts regulates the status, election, dismissal, and rights for lay judges. Lay judges participate in the trial when it is determined by the procedural laws (Law on Criminal Procedure, Law on Litigation Procedure etc.). Article 42 (Law on courts) regulates that every adult citizen of the Republic of North Macedonia who has completed at least secondary education, who is fluent in Macedonian language, has a reputation for exercising this function and is not older than 60 years, may be elected as a Lay judge. Lay judges shall be elected and dismissed by the Judicial Council of the Republic of North Macedonia under the conditions and in the procedure set by the law. A juvenile trial lay judge is elected from persons with experience in upbringing and education of young people.
Discrimination on grounds of gender, race, color of the skin, national and social background, political and religious belief, material and social position shall be prohibited in election of judges and lay judges.
Equitable representation of the citizens from all communities shall be ensured when electing judges and lay judges without disturbing the criteria prescribed by law.
A person who is related in vertical or horizontal line up to third degree or is a spouse of a judge or lay judge cannot be elected judge or lay judge in the same court. A person who is related in vertical or horizontal line up to third degree or is a spouse of a member of the Judicial Council cannot be elected judge or lay judge.
The Judicial Council is responsible for determination of the optimal number of judges and lay judges in the courts of the Republic of North Macedonia.
Upon completion of the election, the Lay judges shall mandatorily attend specialized training, organized by the Academy for Judges and Public Prosecutors, after which the Academy shall issue a certificate for completed training to them.
The content, duration and the delivery of the training shall be defined by specialized programme for training of lay judges by the Academy for Judges and Public Prosecutors.
Lay judge are elected for a period of four years and may be re-elected. The lay judges shall give the solemn oath in front of the president of the court where they are elected.
According to article 66 (Law on courts) “A lay judge cannot be held liable for a stated opinion and manner of deciding during the adoption“.
A procedure for damage compensation or another procedure cannot be conducted against a judge or a lay judge by a party that is not satisfied with the decision of the judge. According to the article 64(Law on courts), the lay judges shall be entitled to compensation for carrying out the activities of a lay judge and the Minister of Justice adopts detailed regulations on the compensations of the lay judges of a court decisions.
The office of a lay judge shall terminate upon:
1) personal request;
2) permanent loss of the ability to fulfill the duty of a lay judge;
3) conviction of a crime to an imprisonment sentence of at least six months;
4) unduly or negligent fulfillment of the duty of a lay judge, and
5) turning 60 years old.

Q022 (2020): Gross figure - Number is higher because of more elected lay judges in 2020.
Q026 (2024): Other non-judge staff - court police
Q026 (2023): Other non-judge staff - court police
Q026 (2022): 5. In 2021 the number of females as a part of court police was 3. Actually, in 2022 there are only 2 more females, discrepancy ratio is high because the numbers are too low.
Q026 (2021): Court police.

Q026 (2020): In this category are included the number of the employees in the judicial police.
Other non-judge staff - female: There are no a big difference in absolute numbers.
Q027 (2020): Total non-judge staff working in courts at Supreme Court level - Female: Increasing is due to the new employees in the State PPO.
Q028 (2022): Perhaps, the reason for discrepancy is that the numbers are very low. For example, in 2021 there was 1 female prosecutor at Supreme Court level, in 2022 are 2 females.

Q028 (2021): One prosecutor is retired and other is part of the Council by function.
Q028 (2020): Number of prosecutors at Supreme Court level – Female: Lower number is because one of the prosecutors has been retired and new is not elected.
Q028-1 (2022): In 2021 there was 3 males - heads of PPO and 1 female. In 2022 there are 4 males.
Q028-1 (2021): The head of Public prosecution office in Radovish is acting head. The head of Public prosecution office in Skopje was elected at the beginning of 2022.
Q032 (2020): Higher number of employees last year was because of the employees in the Special Public Prosecution office. This category of employees is not working anymore in the public prosecution system.
Q033 (2023): The total number of enrolled lawyers during 2023 is 97, of which 44 are females and 53 are males
Q014-0-2 (2024): Specialised first instance courts: Administrative court
Specialised second instance court: High Administrative Court
Q014-0-2 (2023): Specialised first instance courts: Administrative court
Specialised second instance court: High Administrative Court
Q014-0-3 (2024): In the Republic of North Macedonia there are 27 basic courts with general jurisdiction and one specialized Administrative Court. In our court system, there are 4 appellate courts with general jurisdiction and one High Administrative Court. Also there is a Supreme Court of the Republic of North Macedonia as highest court in state.
Q014-0-3 (2023): In the Republic of North Macedonia there are 27 basic courts with general jurisdiction and one specialized Administrative Court. In our court system, there are 4 appellate courts with general jurisdiction and one High Administrative Court. Also there is a Supreme Court of the Republic of North Macedonia as highest court in state.

Serbia
Q014 (General Comment): https://publikacije.stat.gov.rs/G2024/HtmlL/G20241047.html

Q014 (2024): https://publikacije.stat.gov.rs/G2025/HtmlL/G20251049.html
The average annual salary per employee is 1,624,836 dinars (gross, while without taxes and contributions - net is 1,177,716 dinars)The average salary (gross) calculated for December 2024 was 148,428 dinars, while the average salary without taxes and contributions (net) was 108,312 dinars.
The growth of gross earnings in the period January-December 2024 compared to the same period last year was 14.2% nominally, i.e. 9.2% in real terms, while the average net salary was higher by 14.1% nominally, i.e. 9.1% in real terms.
Compared to the same month of the previous year, the average gross salary for December 2024 is nominally higher by 13.8%, and in real terms by 9.1%, while the average net salary is nominally higher by 13.9%, i.e. 9.2% in real terms.
Median net earnings for December 2024 amounted to 79,624 dinars, which means that 50% of employees earned earnings up to the stated amount.
We divided this amount 1,624,836 dinars by the average exchange rate on December 31, 2024 (117,0149) and got the amount of 13.885,71882726
Q014 (2023): https://publikacije.stat.gov.rs/G2024/HtmlL/G20241047.html
The average salary (gross) calculated for December 2023 was 130,405 dinars, while the average salary without taxes and contributions (net) was 95,093 dinars.
The growth of gross and net earnings, in the period January-December 2023, compared to the same period last year, amounted to 14.8% in nominal terms, i.e. 2.4% in real terms.
Compared to the same month of the previous year, the average gross salary for December 2023 is nominally higher by 13.1%, and in real terms by 5.1%, while the average net salary is nominally higher by 12.9%, i.e. by 4, 9% realistically.
Median net earnings for December 2023 amounted to 69,842 dinars, which means that 50% of employees earned earnings up to the stated amount.
Q014 (2022): http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2022
Q014 (2021): http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2021
Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija.
Q014 (2020): https://www.stat.gov.rs/sr-Latn/oblasti/trziste-rada/zarade
Q015 (2024): For judges' salaries at the beginning of their careers, the basic court judge's salary increased by 2% of past work is shown
The salary of the judge of the Supreme Court was increased by 10% of the previous work.
Q015 (2021): Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija.
Q015 (2020): From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%. This variation has not been explained.

Q016 (2024): THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS
Persons who perform duties and tasks in state bodies and special organizational units referred to in this law have the right to a salary that cannot be higher than twice the amount of salary that would be earned by persons employed in corresponding duties and tasks in the Public Prosecutor's Office for War Crimes, the High Court in Belgrade , the Court of Appeal in Belgrade, the Ministry responsible for internal affairs and the District Prison in Belgrade.
Salaries of persons referred to in paragraph 1 of this article are regulated by the Government.
THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN COMBATING ORGANIZED CRIME, TERRORISM AND CORRUPTION
Salaries
Article 11*
Persons performing duties and tasks in state bodies referred to in Article 4 of this law have the right to a salary that cannot be higher than double the amount of salary that would be earned by persons employed in corresponding duties and tasks in the Public Prosecutor's Office for Organized Crime, High Court in Belgrade, The Court of Appeal in Belgrade, the Ministry responsible for internal affairs and the District Prison in Belgrade.
Salary increases for employees of the Public Prosecutor's Office for Organized Crime, the Special Department of the High Court in Belgrade for Organized Crime, the Special Department of the Court of Appeal in Belgrade for Organized Crime and the Special Detention Unit of the District Prison in Belgrade are regulated by the Government, on the proposal of the minister responsible for judicial affairs.
The right to an insurance period with an increased duration
Article 12
Judges assigned to the Special Department of the High Court for Organized Crime and the Special Department of the Court of Appeal for Organized Crime, as well as the Chief Public Prosecutor and the Public Prosecutor, have the right to seniority of insurance which is calculated with increased duration, and that is by 12 months spent at work in the special departments of those courts, that is, the Public Prosecutor's Office for organized crime counts as 16 months of insurance experience.

Q016 (2023): THE LAW
ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS
Persons who perform duties and tasks in state bodies and special organizational units referred to in this law have the right to a salary that cannot be higher than twice the amount of salary that would be earned by persons employed in corresponding duties and tasks in the Public Prosecutor's Office for War Crimes, the High Court in Belgrade , the Court of Appeal in Belgrade, the Ministry responsible for internal affairs and the District Prison in Belgrade.
Salaries of persons referred to in paragraph 1 of this article are regulated by the Government.
THE LAW
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Q016 (2022): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the
Q016 (2021): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the
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Q019 (2022): Since the last year, 4 male judges of Supreme Court retired.

Q019 (2020): INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanor courts, commercial courts, Administrative Court);
16.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanor Court of Appeal;
16.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation).
Judges of the Administrative Court are considered as first instance judges, bearing in mind that the Administrative Court is a republic court of special jurisdiction, which at first instance resolves administrative disputes (currently, single instance procedure) and performs other duties determined by law.
Q019-1 (2022): New appellate courts presidents were appointed since last year

Q022 (General Comment): THE LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)VI SPECIAL PROVISIONS REGARDING JUDGES
Prohibition of discrimination
Article 86
Discrimination on any basis is prohibited during the nomination for the election of a lay judge and the selection of a lay judge.
When proposing for the election of a lay judge and selecting a lay judge, account is taken of the national composition of the population, the appropriate representation of members of national minorities and knowledge of the language of the national minority, which is in official use in the court.
Conditions for selection and duration of the function
Article 87
An adult citizen of the Republic of Serbia who is worthy of the position of a lay judge can be elected as a lay judge.
A lay judge cannot be a member of a political party, nor act politically in any other way.
During the selection, the gender, age, occupation and social position of the candidate, knowledge, expertise and inclination towards a particular type of court case are taken into account.
A lay judge is elected for five years and may be re-elected.
Selection procedure
Article 88
The jury judge is chosen by the High Council of the Judiciary on the basis of a public competition.
The public competition for the selection of lay judges is published and implemented by the High Council of the Judiciary.
The public competition referred to in paragraph 1 of this article is published and conducted in accordance with the provisions of this law governing the selection of judges.
Before the election, the High Council of the Judiciary obtains the opinion of the court for which the lay judge is elected.
An adult person who, at the time of election, is less than 70 years of age can be elected as a jury judge.
The oath
Article 89
A lay judge takes the oath before the president of the court for which he was elected.
The oath reads: "I swear on my honor that I will perform my function faithfully to the Constitution and the law, conscientiously, devotedly and impartially".

Q022 (2023): THE LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)VI SPECIAL PROVISIONS REGARDING JUDGES
Prohibition of discrimination
Article 86
Discrimination on any basis is prohibited during the nomination for the election of a lay judge and the selection of a lay judge.
When proposing for the election of a lay judge and selecting a lay judge, account is taken of the national composition of the population, the appropriate representation of members of national minorities and knowledge of the language of the national minority, which is in official use in the court.
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An adult citizen of the Republic of Serbia who is worthy of the position of a lay judge can be elected as a lay judge.
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An adult person who, at the time of election, is less than 70 years of age can be elected as a jury judge.
The oath
Article 89
A lay judge takes the oath before the president of the court for which he was elected.
The oath reads: "I swear on my honor that I will perform my function faithfully to the Constitution and the law, conscientiously, devotedly and impartially".

Q022 (2022): Lay judges in Serbia are legal laymen, who participate in some civil and some criminal trials in the first instance (with one exception in the 2nd instance) and have the right to ask questions, give their opinion and participate in the rendering of the verdict, although the final word rests with the professional judge who signs the verdict.
A lay judge cannot be a member of a political party, nor act politically in any other way. Also, a lay judge cannot provide legal services and professional advice for a fee, nor can he be a lawyer.
Other positions, jobs and procedures that are contrary to the dignity and independence of the judge or harmful to the reputation of the court are incompatible with the function of a lay judge.
When appointing lay judges, the gender, age, occupation and social position of the candidate, knowledge, expertise and inclination towards certain types of court cases are taken into account.
A lay judge must be of legal age and under 70 years of age.
He is appointed for five years by the HJSC on the proposal of the competent authority for the judiciary and he can be reappointed
Q022 (2020): The High Court Council enacted a decision on 23 December 2019 on the appointment of lay judges (judges jurors) for a mandate period of the following 5 years. The number of lay judges appointed by the decision
was 2000. On 8 September 2020 The High Court Council enacted a decision on the appointment of 130 lay
judges for mandate of 5 years. The effective number of lay judges is 2130.
Q023 (General Comment): In first instance, in certain criminal and civil proceedings trial is carried by panel consisting of a professional judge and lay judges, i.e. 2-3 citizens who are not professionals.
Q023 (2020): In first instance, in certain criminal (possibility of over 8 years of prison sentence) and civil proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 citizens who are appointed based on a public call of the High Court Council.
Q026 (General Comment): Judicial assistants are included in "2." They are non-judge staff whose task is to assist the judge such as drafting the decision, helping with hearings, preparing case file. Judicial/prosecutorial assistants are people who graduated at Faculty of Law and passed the Bar exam and are employed in court or public prosecutor's office.
Q026 (2023): Translator, spokesperson, media coordinator, court interpreter, librarian, workplace for international projects and European integration
Q026 (2022): Others: translator, interpreter, librarian, press coordinator, PR, counselor for European integration and international projects.
Q027 (2023): We would like to emphasize that the Judiciary in Serbia is additionally supported by the temporarily hired staff: public prosecutors office in total 395 (male 88, female 307) and courts 1738 (male 387, female 1351).

Q028 (General Comment): The data represents the total number of deputy public prosecutors working in the position of public prosecutor.
Q028 (2021): In the Prosecutor's Office for War Crimes and Organized Crime, the function of the Deputy Prosecutor is performed by 18 persons, of which 8 are female and 10 are male.

Q028 (2020): Number of prosecutors at first instance level:
1. Basic public prosecutor's offices: total 476; males: 186; females: 290
2. Senior public prosecutor's offices: total 226; males 102; female's 124
3. Prosecution for organized crime: total 13; males 10; female's 3
4. Prosecution for war crimes: total 10; males 6; female's 4

Q028-1 (2024): The reported figure includes only appointed Chief Public Prosecutors (66). In addition, there are 24 acting (ad interim) Chief Public Prosecutors who are currently not included in the total. At the time of reporting, competitions for Chief Public Prosecutor positions were ongoing in 21 Public Prosecutor's Offices.

Q028-1 (2023): In question are chief prosecutors who are not acting in a temporary capacity, but in a mandate.
Out of 90 Public prosecution offices in Serbia, 55 have elected Chief public prosecutors (Heads of prosecution offices). The remaining 35 offices have ad interim Chief public prosecutors. Competitions for the selection of Chief prosecutors in those 35 Public Prosecutor's Offices are underway with the aim of filling all vacant

Q028-1 (2021): There are special jurisdictions of the Prosecutor's Office for War Crimes and the Prosecutor's Office for Organized Crime, in which one person performs the function of a prosecutor.

Q032 (2023): From the total number of out of 1,485, 735 are other employees whose task is to help public prosecutors - lawsuits. assistants, record-keepers, 599 employees in charge of various administrative tasks - registrars, personnel tasks, financial tasks, IT tasks, 142 technical staff, judicial guards, housekeepers, and finally 9 other/other tasks (spokesman, librarian, translator...)

Q033 (2023): Total number of lawyers on December 31st, 2023.

Q033 (2021): The number of male and female lawyers are not available this year because The Bar Association of Serbia did not provide them.

Q034 (2021): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

Q034 (2020): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

Q014-0-2 (2024): The jurisdiction of courts in Serbia is regulated by the provisions of art. 24-32. of the Law on the Organisation of Courts.
According to the Law on the organization and the competence of state bodies in combating organized crime, terrorism and corruption (Official Gazette 94/2016, 87/2018 - another law and 10/2023) state authorities responsible for dealing with criminal offenses of organized crime and terrorism are:
1) Public prosecution for organized crime;
2) Ministry of Internal Affairs - organizational unit responsible for combating organized crime;
3) Special department of the High Court in Belgrade for organized crime;
4) Special department of the Appellate Court in Belgrade for organized crime; 5) Special detention unit of the District Prison in Belgrade.
On the other hand, according to the above mentioned law competent authorities for the suppression of corruption are: 1) special departments of higher public prosecutor's offices for the suppression of corruption; 2) Ministry of Internal Affairs - the organisational unit responsible for combating corruption; 3) special departments of higher courts for the suppression of corruption.
THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS ("Official Gazette of RS", no. 67/2003, 135/2004, 61/2005, 101/2007, 104/2009, 101/2011 - other laws, 6/2015 and 10/2023) II ORGANIZATION AND COMPETENCE OF STATE BODIES
1. Public prosecution for war crimes
Article 4
The Public Prosecutor's Office for War Crimes is responsible for dealing with cases of criminal offenses from Article 2 of this law. The work of the Public Prosecution for War Crimes is managed by the Chief Public Prosecutor of the Public Prosecution for War Crimes (hereinafter: Chief Public Prosecutor).
If this law does not stipulate otherwise, the provisions of the law regulating the public prosecution shall apply to the Public Prosecution for War Crimes.
Article 5
During the election of the Chief Public Prosecutor, that is, the Public Prosecutor of the Public Prosecutor's Office for War Crimes (hereinafter: Public Prosecutor), priority is given to candidates who possess the necessary professional knowledge and experience in the field of criminal law, international humanitarian law and human rights.
Article 6
The chief public prosecutor issues an act on the internal organization and systematization of positions in the Public Prosecutor's Office for War Crimes, with the consent of the minister responsible for justice.
Article 7
All state bodies and organizations are obliged to, at the request of the Chief Public Prosecutor or the Service for the Detection of War Crimes:
1) enable the use of every technical means at their disposal without delay,

Q014-0-2 (2023): The jurisdiction of courts in Serbia is regulated by the provisions of art. 24-32. of the Law on the Organisation of Courts.
According to the Law on the organisation and the competence of state bodies in combating organised crime, terrorism and corruption (Official Gazette 94/2016, 87/2018 - another law and 10/2023) state authorities responsible for dealing with criminal offences of organised crime and terrorism are:
1) Public prosecution for organized crime;
2) Ministry of Internal Affairs - organizational unit responsible for combating organized crime;
3) Special department of the High Court in Belgrade for organized crime;
4) Special department of the Appellate Court in Belgrade for organized crime;
5) Special detention unit of the District Prison in Belgrade.
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2) Ministry of Internal Affairs - organisational unit responsible for combating corruption;
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ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS
("Official Gazette of RS", no. 67/2003, 135/2004, 61/2005, 101/2007, 104/2009, 101/2011 - other laws, 6/2015 and 10/2023) II ORGANIZATION AND COMPETENCE OF STATE BODIES
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Article 5
During the election of the Chief Public Prosecutor, that is, the Public Prosecutor of the Public Prosecutor's Office for War Crimes (hereinafter: Public Prosecutor), priority is given to candidates who possess the necessary professional knowledge and experience in the field of criminal law, international humanitarian law and human rights.
Article 6

Kosovo*
Q014 (2021): This is data for 2020, as the responsible Agency for Statistics in Kosovo will not generate this data for the previous year (2021 in our case) until the middle of this year.

Q014 (2020): The average gross annual salary is for 2019. The data for 2020 with regard to salaries will not be published until late May. Also, please be noted that recently have been raised some concerns with regard to the methodology used for generating average gross salary by Kosovo Agency for Statistics. Therefore, if the methodology changes, we will have different numbers from what we have reported. However, we will keep referring to the data from Agency, as the official source for data and statistics in Kosovo.
Q015 (2024): The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who work in the general department of the basic prosecution offices.
Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.

Q015 (2023): KJC: Annual salary of the Supreme Court president: 35,400.0 € Gross annual salary, in €
Annual salary of the Appellate Court president: 31,860.0 € Gross annual salary, in €
Annual salary of the Basic Court president: 28,389.5 € Gross annual salary, in €
KPC: The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who have started working in 2023 and work in the general department of the basic prosecution offices. However, with the new law on salaries during 2023, other prosecutors of the general department received higher salaries than the ones who were decreed in 2023 after the law entered into force, because the Law decreased the salaries of prosecutors.
Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.

Q015 (2022): -KJC: The Appellate judge which is the level between the First instance court and the Supreme court has the salary of 2,389 EUR.
-KPC: The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who work in the general department of the basic prosecution offices. Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.

Q015 (2021): The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who work in the general department of the basic prosecution offices.
Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.
Q015 (2020): There are some minor differences with the data from the previous year, mainly because the Law on Kosovo Judicial Council and the Law on Court have started to implement, and they have leveled salaries between all departments of the same instance(horizontal). There has been no decrease in the salaries of the Judges of Supreme Court. However, our colleagues from the Kosovo Judicial Council, when reported last year, they provided us with the highest salary in Supreme Court, and not the average. We figured it out this year, during our internal meetings, and changed it.
Q016 (2023): KJC: The President of the Supreme Court after the end of the mandate earns a pension of 70% of the basic salary.
KPC: Prosecutors in SPRK receive additions to their salaries due to the level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.
Q016 (2021): Prosecutors in Special Prosecution of the Republic of Kosovo receive additions to their salaries due to the level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.
Q016 (2020): There is no other financial or any other benefits for judges or prosecutors.
Q019 (2024): In these number are not included the presidents of the courts.

Q019 (2022): The number of judges increased due to recruitment procedures and also promotions.
The number of judges also includes the Commercial Court, which was established in 2022.
Q019 (2020): The discrepancy concerning the number of Judges in all instances is because of retirement and/or promotion. The recruiting process of new judges is finalized and in early January the list of the new judges have been decreed by the president.
Q022 (2024): There are 98 lay judges in Kosovo.
Q022 (2020): This is not applicable in our system
Q026 (2022): In recruitment procedures for non judge staff, a number of staff in charge of different administrative tasks moved in the other category (staff whose task is to assist the judge)
Q026 (2021): Elaborated in the comment sections of the table above.
Q028 (2024): The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2024 was 200.
In the table above the number of prosecutors is 153. This number does not include prosecutors who during 2024 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are 47 prosecutors including: Chairman of the Council, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Administration of Prosecution Offices, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices, 24 new prosecutors who were decreed on December 27th 2024 and 8 prosecutors from the Serbian community who have offered their resignations.
Q028 (2023): The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2023 was 189.
In the table above the number of prosecutors is 160. This number does not include prosecutors who during 2023 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are 29 prosecutors including: Chairman of the Council, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices, 3 heads of Departments in BPO Prishtina, 4 prosecutors are in maternity leave and 8 prosecutors from the Serbian community who have offered their resignations.

Q028 (2022): In the table above the number of prosecutors is 161. This number does not include prosecutors who during 2022 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are: Chairman of the Council, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices, 2 heads of Departments in BPO Prishtina, 2 prosecutors are in maternity leave and 1 prosecutor was studying outside of the country.
The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2022 was 181.

Q028 (2021): In the table, the number of prosecutors is 165. This number does not include prosecutors who during 2021 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are: Chairman of the Council, Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Prosecution Administration, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices and 2 heads of Departments in BPO Prishtina.
The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2021 was 182.
Whilst, the discrepancies marked are because of the promotion

Q028 (2020): 028.2 The discrepancy is because of the promotion
Q028-1 (2024): The information in the table represent the situation on 31 December 2024. From January 1st, 2025, we have a female Chief prosecutor in the level of first instance.
Q032 (2024): In this category we have included professional associates, legal officers and legal secretaries.
Q032 (2023): In this category we have included Director of Secretariat of KPC, Director of PPRU, Heads of departments, divisions, offices, administrators of prosecution offices, professional associates, legal officers and all other professional and administrative positions within the prosecutorial system.
Q032 (2022): In this category we have included Director of Secretariat of KPC, Director of PPRU, Heads of departments, divisions, offices, administrators of prosecution offices, professional associates, legal officers and all other professional and administrative positions within the prosecutorial system.
Q033 (2022): 78% men;
22% women.
Q033 (2020): Female: new lawyers have been licensed during 2020.
Q034 (2020): The legal advisers can offer the same services just as a lawyer does, except for representing a party in a criminal case before the court. Unfortunately, there is not available the number of legal advisers.
Q014-0-2 (General Comment): Kosovo has a dedicated Commercial Court, established under Article 10 of Law No. 08/L-015 on the Commercial Code. The court operates through first-instance and second-instance chambers. Decisions issued by the first-instance chambers hold the same legal standing as those issued by the Basic Courts of Kosovo, while decisions from the second-instance chambers are equivalent to those issued by the Court of Appeals.
Q014-0-2 (2023): 1 Commercial court which serves as both a court of first and second instance.

Q014-0-3 (General Comment): The structure and number of courts in Kosovo are defined by Law No. 06/L-054 on Courts, which establishes seven Basic Courts operating across the Republic of Kosovo. Each Basic Court has several branches, distributed as follows:
Basic Court of Prishtina: Branches in Podujeva, Graçanica, Lipjan, Gllogovc, and Fushë Kosovë.
Basic Court of Gjilan: Branches in Kamenica, Viti, and Novobërdë.
Basic Court of Prizren: Branches in Dragash and Suharekë.
Basic Court of Mitrovica: Branches in Leposaviq, Vushtrri, Zubin Potok, and Skenderaj.
Basic Court of Gjakova: Branches in Malishevë and Rahovec.
Basic Court of Peja: Branches in Istog, Klinë, Deçan, and Junik.
Basic Court of Ferizaj: Branches in Kaçanik, Hani i Elezit, Shtërpcë, and Shtime.
Each Basic Court and its branches have their own buildings in the municipalities they serve.
Kosovo's Court of Appeals, Supreme Court, and both instances of the Commercial Court are based in Prishtina. Along with the Basic Court of Prishtina, they are located within the Palace of Justice, the central judicial complex in the capital.

Indicator 2 - Profile of the judiciary

by question No.

Question 14. Average gross annual salary (in €) for the reference year
Question 15. Salaries of judges and public prosecutors on 31 December of the reference year:
Question 16. Do judges and public prosecutors have additional benefits?
Question 17. If "other financial benefit"
Question 18. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?
Question 19. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)
Question 19-1. Number of court presidents.
Question 22. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or "juges consulaires", but not arbitrators or persons sitting on a jury):
Question 23. If such non-professional judges exist at first instance in your country, please specify for which types of cases:
Question 24. Does your judicial system include trial by jury with the participation of citizens?
Question 25. If yes, for which type(s) of case(s)?
Question 26. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)
Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)
Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for posts actually filled).
Question 28-1. Number of heads of prosecution offices.
Question 29. In your judicial system, do other persons have similar duties to those of public prosecutors?
Question 30. If yes please provide the number (full-time equivalent)
Question 31. If yes, is their number included in the number of public prosecutors that you have indicated under question 28?
Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).
Question 33. Total number of lawyers practicing in your country:
Question 34. Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?
Question 014-0-2. Number of specialised courts – legal entities.
Question 014-0-3. Number of courts - geographic locations.

Question 014

Albania

(2024): https://www.instat.gov.al/al/temat/tregu-i-pun%C3%ABs-dhe-arsimi/pagat/publikimet/2024/statistikat-e-pagave-t3-2024/. the average gross monthly salary for a salaried employee, for the third quarter of 2024 (since the data for the fourth quarter of 202 will be avaible in march 2025) was 77.669 AL Land the average gross annual salary was 932,028 ALL or 8954.50 EUR (exchange rate 1 euro = 104 ALL).
Average monthly gross salary for a salaried employee, during in the end of 2022, is 77.669 ALL, increasing by 5.9%, compared to the same quarter of the previous

(2022): (https://www.instat.gov.al/media/11344/statistikat-e-pagave-t4-2022.pdf), the average gross monthly salary for a salaried employee, in the end of 2022 was 66,014 AL Land the average gross annual salary was 792,168 ALL or 6,888 EUR (exchange rate 1 euro = 115 ALL).
Average monthly gross salary for a salaried employee, during in the end of 2022, is 66,014 ALL, increasing by 10.8%, compared to the data of previous years.

Bosnia and Herzegovina

(General Comment): The Bosnia and Herzegovina Statistics Agency reports on the average gross salary in the country for the previous year (i.e. 2023 in this reporting cycle).

(2024): The growth of the gross salaries in BiH in 2024 compared to the previous was 9.8%; it was slightly lower than the growth of gross salaries in 2023 compared to 2022 (13.0%). The salaries in the public sector increased, while there was a certain salary increase in the private sector as well. Moreover, a significant nominal salary increase is part of a regional trend present in neighboring countries as well.

(2023): In 2023, according to the Agency for Statistics of Bosnia and Herzegovina salaries continued to rise both in the public sector and the private sector in Bosnia and Herzegovina, mostly due to various drastic changes in the domestic and global economy such as rise in inflation and increase in product prices.

(2022): In 2022, according to the Agency for Statistics of Bosnia and Herzegovina salaries significantly increased both in the public sector and the private sector in Bosnia and Herzegovina, mostly due to various drastic changes in the domestic and global economy such as rise in inflation and increase in product prices.

(2020): http://www.bhas.ba/data/Publikacije/Saopstenja/2021/LAB_05_2020_H2_0_BS.pdf

(2019): http://bhas.gov.ba/data/Publikacije/Saopstenja/2020/LAB_05_2019_H2_0_BS.pdf

Montenegro

(2023): data source: National Statistical Administration

(2022): Average gross salary in 2022

Serbia

(General Comment): https://publikacije.stat.gov.rs/G2024/HtmlL/G20241047.html

(2024): https://publikacije.stat.gov.rs/G2025/HtmlL/G20251049.html
The average annual salary per employee is 1,624,836 dinars (gross, while without taxes and contributions - net is 1,177,716 dinars)The average salary (gross) calculated for December 2024 was 148,428 dinars, while the average salary without taxes and contributions (net) was 108,312 dinars.
The growth of gross earnings in the period January-December 2024 compared to the same period last year was 14.2% nominally, i.e. 9.2% in real terms, while the average net salary was higher by 14.1% nominally, i.e. 9.1% in real terms.
Compared to the same month of the previous year, the average gross salary for December 2024 is nominally higher by 13.8%, and in real terms by 9.1%, while the average net salary is nominally higher by 13.9%, i.e. 9.2% in real terms.
Median net earnings for December 2024 amounted to 79,624 dinars, which means that 50% of employees earned earnings up to the stated amount.
We divided this amount 1,624,836 dinars by the average exchange rate on December 31, 2024 (117,0149) and got the amount of 13.885,71882726

(2023): https://publikacije.stat.gov.rs/G2024/HtmlL/G20241047.html
The average salary (gross) calculated for December 2023 was 130,405 dinars, while the average salary without taxes and contributions (net) was 95,093 dinars.
The growth of gross and net earnings, in the period January-December 2023, compared to the same period last year, amounted to 14.8% in nominal terms, i.e. 2.4% in real terms.
Compared to the same month of the previous year, the average gross salary for December 2023 is nominally higher by 13.1%, and in real terms by 5.1%, while the average net salary is nominally higher by 12.9%, i.e. by 4, 9% realistically.
Median net earnings for December 2023 amounted to 69,842 dinars, which means that 50% of employees earned earnings up to the stated amount.

(2022): http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2022

(2021): http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2021
Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija.

(2020): https://www.stat.gov.rs/sr-Latn/oblasti/trziste-rada/zarade

Kosovo*

(2021): This is data for 2020, as the responsible Agency for Statistics in Kosovo will not generate this data for the previous year (2021 in our case) until the middle of this year.

(2020): The average gross annual salary is for 2019. The data for 2020 with regard to salaries will not be published until late May. Also, please be noted that recently have been raised some concerns with regard to the methodology used for generating average gross salary by Kosovo Agency for Statistics. Therefore, if the methodology changes, we will have different numbers from what we have reported. However, we will keep referring to the data from Agency, as the official source for data and statistics in Kosovo.

Question 015

Albania

(2024): The changes in the salaries of the magistrates come as a result of the new salary of the magistrate pursuant to Law no. 33, dated 25.05.2023 "On an amendment to the law 96/2016 "On the status of judges and prosecutors in the Republic of Albania as amended, and the, Decision of Council of Ministers no. 325, dated 31.05.2023 "On the approval of the salary structure, salary levels and other salary increments of the deputy minister, cabinet officials, prefect, sub-prefect, civil servants and employees in some public administration institutions".

(2023): NA

(2022): The difference in amount from one year to another comes for two reasons:
the values are set in the Euro currency, which brings changes in the amount from year to year depending on the exchange rate at the time of reporting, since judges' salaries are calculated in Lek.
the maximum salary that is reported is the salary that is actually given to the judge who is paid more in the system and not the potential salary that the salary can go higher. This means that the maximum salary given, because it also includes the element of seniority at work, which of course changes every year.

(2020): The gross salary for the Appellate prosecutors is ALL 269268 and the net one is ALL 202687. While the salary in euro consists of the gross one of € 2025 and the net one of € 1524.

On the first January of 2019 the new salary scheme for judges and prosecutors entered into force. The new salary scheme, part of the justice reform law nearly doubled the salaries of judges and prosecutors, especially at first instance level.

A magistrate's salary is determined by the magistrate's affiliation to a salary group and the salary scale.

2. A magistrate's salary is categorised into salary groups (G), based on the following indicators:

a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1):

b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);

c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).

3. The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service.

4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.

5. The monthly gross salary of a magistrate consists of the following elements:

a) The basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of civil servants of first category, the third scale in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for judicial and prosecutorial positions to the "function-related salary" according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial positions as against the civil service positions or to enable its classification into the

Bosnia and Herzegovina

(General Comment): First of all, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office folders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors. The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary amount as prescribed by law together with allowances added to the net salary subject to years of employment, and other contributions for the calculation of gross salaries. Deviations occur due to the application of different legal regulations on entity level, i.e. specifically with reference to judicial office positions in one of the jurisdictions in Bosnia and Herzegovina (i.e. the Brcko District of Bosnia and Herzegovina), where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

(2022): Due to the changes in the Dashboard Western Balkans Questionnaire for 2022, the amount of salaries of judges and public prosecutors in Bosnia and Herzegovina at the Highest Appellate Instance is significantly higher in 2022 compared to the relevant figure included in the Dashboard Western Balkans

(2021): The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary amount as prescribed by law together with allowances added to the net salary subject to years of employment, and other contributions for the calculation of gross salaries. Deviations occur due to the application of different legal regulations on entity level, i.e. specifically with reference to judicial office positions in the Brcko District BiH, where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

(2020): Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office folders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors.

Montenegro

(2024): The salary of a state prosecutor at the beginning of his career is calculated according to the coefficient of 15.56, while the salary of a state prosecutor at the Supreme State Prosecutor's Office is calculated according to the coefficient of 22.48, in accordance with Article 22 of the Law on wages of employees in the public sector

(2023): Increase of salaries 2023 is a result of the adoption of new so called "Branch collective agreement for the administration and judiciary" (the agreement between employers and unions) which foresees possibilities of increase of basic salary for overtime and on-call and similar types of out of operating hours work

(2021): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 2021 had the highest number of years of work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service remained in the Supreme Court.

(2020): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 2020 had the highest number of years of work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service remained in the Supreme Court.

North Macedonia

(2023): Salaries increased due to a decision of the Constitutional Court. Decision of the Constitutional Court effects several laws governing the salaries of appointed and elected officials, judges, and public prosecutors followed a specific methodology for calculating salaries. According to this methodology, salaries were determined by multiplying a coefficient defined by law with a fixed amount specified as the legally established basis. However, the Constitutional Court overturned the provision that specified the fixed amount as the legally established basis. Consequently, a new methodology defined in the law is still in force where the coefficient defined by law is multiplied by the average monthly salary in the state. This change has led to a rapid increase in salaries for judges, prosecutors, and other appointed and elected individuals.

(2022): In 2022 public prosecutors in the PPO for organized crime had an additional financial benefits of 35% of the salary every month. In 2022 the highest gross/net annual salary of the public prosecutor for organized crime was 26.179 /17.135 euros.
Also, in 2022 there were additional financial benefits for judges, 15-30%.

(2021): There are discrepancies from the last report because the lowest value of the salary for 2021 for the first instance professional judge at the beginning of his/her career is for the judge that has less professional experience than the judge before.

(2020): The annual salaries of judges are lower in 2020 in comparison to 2019, because in 2019 a higher amount of allowances has been paid on judges for the previous years. That type of allowances has not been paid in 2020.
Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law on salaries for public prosecutors.

Serbia

(2024): For judges' salaries at the beginning of their careers, the basic court judge's salary increased by 2% of past work is shown
The salary of the judge of the Supreme Court was increased by 10% of the previous work.

(2021): Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija.

(2020): From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%. This variation has not been explained.

Kosovo*

(2024): The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who work in the general department of the basic prosecution offices.
Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.

(2023): KJC: Annual salary of the Supreme Court president: 35,400.0 € Gross annual salary, in €
Annual salary of the Appellate Court president: 31,860.0 € Gross annual salary, in €
Annual salary of the Basic Court president: 28,389.5 € Gross annual salary, in €
KPC: The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who have started working in 2023 and work in the general department of the basic prosecution offices. However, with the new law on salaries during 2023, other prosecutors of the general department received higher salaries than the ones who were decreed in 2023 after the law entered into force, because the Law decreased the salaries of prosecutors.
Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.

(2022): -KJC: The Appellate judge which is the level between the First instance court and the Supreme court has the salary of 2,389 EUR.
-KPC: The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who work in the general department of the basic prosecution offices. Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.

(2021): The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who work in the general department of the basic prosecution offices.
Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in the office of the Chief State Prosecutor.

(2020): There are some minor differences with the data from the previous year, mainly because the Law on Kosovo Judicial Council and the Law on Court have started to implement, and they have leveled salaries between all departments of the same instance(horizontal). There has been no decrease in the salaries of the Judges of Supreme Court. However, our colleagues from the Kosovo Judicial Council, when reported last year, they provided us with the highest salary in Supreme Court, and not the average. We figured it out this year, during our internal meetings, and changed it.

Question 016

Albania

(2020): In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m² per person. In case two persons in a household are entitled to a state funded home loan, this shall be benefited only by one of them."

Bosnia and Herzegovina

(2019): Judges and prosecutors are entitled to certain benefits as all other public sector employees. The public sector employees are entitled to receive benefits in addition to wages such as health and retirement contributions, overtime pay, meal expense allowance, transport expense allowance, retirement pay, funeral expenses, etc.

Montenegro

(2024): Special allowance, salary supplements for work in commissions and other bodies

Serbia

(2024): THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS

Persons who perform duties and tasks in state bodies and special organizational units referred to in this law have the right to a salary that cannot be higher than twice the amount of salary that would be earned by persons employed in corresponding duties and tasks in the Public Prosecutor's Office for War Crimes, the High Court in Belgrade , the Court of Appeal in Belgrade, the Ministry responsible for internal affairs and the District Prison in Belgrade.

Salaries of persons referred to in paragraph 1 of this article are regulated by the Government.

THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN COMBATING ORGANIZED CRIME, TERRORISM AND CORRUPTION

Salaries

Article 11*

Persons performing duties and tasks in state bodies referred to in Article 4 of this law have the right to a salary that cannot be higher than double the amount of salary that would be earned by persons employed in corresponding duties and tasks in the Public Prosecutor's Office for Organized Crime, High Court in Belgrade, The Court of Appeal in Belgrade, the Ministry responsible for internal affairs and the District Prison in Belgrade.

Salary increases for employees of the Public Prosecutor's Office for Organized Crime, the Special Department of the High Court in Belgrade for Organized Crime, the Special Department of the Court of Appeal in Belgrade for Organized Crime and the Special Detention Unit of the District Prison in Belgrade are regulated by the Government, on the proposal of the minister responsible for judicial affairs.

The right to an insurance period with an increased duration

Article 12

Judges assigned to the Special Department of the High Court for Organized Crime and the Special Department of the Court of Appeal for Organized Crime, as well as the Chief Public Prosecutor and the Public Prosecutor, have the right to seniority of insurance which is calculated with increased duration, and that is by 12 months spent at work in the special departments of those courts, that is, the Public Prosecutor's Office for organized crime counts as 16 months of insurance experience.

(2023): THE LAW
ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS
Persons who perform duties and tasks in state bodies and special organizational units referred to in this law have the right to a salary that cannot be higher than twice the amount of salary that would be earned by persons employed in corresponding duties and tasks in the Public Prosecutor's Office for War Crimes, the High Court in Belgrade , the Court of Appeal in Belgrade, the Ministry responsible for internal affairs and the District Prison in Belgrade.
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THE LAW
ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN COMBATING ORGANIZED CRIME, TERRORISM AND CORRUPTION
Salaries
Article 11*
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Salary increases for employees of the Public Prosecutor's Office for Organized Crime, the Special Department of the High Court in Belgrade for Organized Crime, the Special Department of the Court of Appeal in Belgrade for Organized Crime and the Special Detention Unit of the District Prison in Belgrade are regulated by the Government, on the proposal of the minister responsible for judicial affairs.
The right to an insurance period with an increased duration
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Judges assigned to the Special Department of the High Court for Organized Crime and the Special Department of the Court of Appeal for Organized Crime, as well as the Chief Public Prosecutor and the Public Prosecutor, have the right to seniority of insurance which is calculated with increased duration, and that is by 12 months spent at work in the special departments of those courts, that is, the Public Prosecutor's Office for organized crime counts as 16 months of insurance experience.

(2022): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the

(2021): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the

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Kosovo*

(2023): KJC: The President of the Supreme Court after the end of the mandate earns a pension of 70% of the basic salary.
KPC: Prosecutors in SPRK receive additions to their salaries due to the level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.

(2021): Prosecutors in Special Prosecution of the Republic of Kosovo receive additions to their salaries due to the level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.

(2020): There is no other financial or any other benefits for judges or prosecutors.

Question 018

Albania

(2022): Based on Article 16, paragraph 1, of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", stipulates "The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary".
In paragraph 2 it is determined that: "The Councils shall adopt more detailed rules on the remuneration according to paragraph 1 of this article by:
a) restricting the entitlement to a maximum to 5 % of magistrates annually, being evaluated during the previous calendar year. b) setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement."
This provision is still valid. However, since the Council (HJC in this case) has yet to adopt rules on this matter, in practice this benefit has never been allocated.

(2020): The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. The Councils can adopt more detailed rules on the remuneration by: a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;
b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement. Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.
In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification.
In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.
5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

Question 019

Albania
(2024): New judges were appointed in first instance in 2023

(2023): -In regard of the number of judges
Referred to the decision of Council of Ministers no. 495, dated 21.07.2022 "On the reorganization of judicial districts and territorial powers of the courts", on 01.07.2023 the process of implementing the New Judicial Map was completed, reorganizing the number of courts operating in the Republic of Albania from 38 courts to 20 courts.
Occurring in the conditions of a transitional year, due to the implementation of the New Judicial Map and due to the redistribution of the number of 408 magistrates (judges), referring to decision no. 553, dated 29.12.2022 "On the appointment of the number of magistrates in the Court of Appeal with General Jurisdiction", decision no. 146, dated 29.03.2023 "On determining the number of magistrates in the Courts of First Instance with General Jurisdiction" and decision no. 286, dated 29.05.2023 "On the determination of the number of magistrates in the Administrative Courts of the First Instance" of the Supreme Judicial Council, the comparison of data in specific courts becomes difficult.
However, the main factor in the reduction of the number of magistrates (judges) is attributed to the transitional re-evaluation process, and more specifically, in terms of losses from the system as a result of the transitional re-evaluation process, it is worth noting that 24 decision-making for dismissal from office resulted from The Appeal Chamber belonging to the year 2023, as well as resulting in 53 judges (magistrates) dismissed from office, with decision-making by the Independent Qualification Commission, of which 11 magistrates (judges) dismissed by the Independent Qualification Commission during 2023, who are waiting for the development of the process in The Appeal Chamber, meanwhile maintaining the status of a judge due to the suspension and simultaneously benefiting according to the law of 75% of the salary.
Also, in 2023, there are 6 magistrates (judges) who have left office, of which 2 magistrates (judges) have resigned from office and 4 magistrates (judges) have left due

(2022): During the year 2022 there where appointed new judges to the supreme court

(2020): Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 2 judges remained at the High Court. The rest of them either resigned or were dismissed by the vetting process. Currently the High court has 4 judges (one of them is currently acting as a member of the High Judicial Council, therefore his mandate as a High Court Judge has been suspended).

Bosnia and Herzegovina

(General Comment): The number of court presidents is included in the number of judges.
There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.
Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.
Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.
Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.

(2020): The numbers provided do not include information on the number of court presidents and reserve judges (Q20). The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). 76 court presidents were appointed on 31st December 2020.

(2019): The numbers provided do not include information on the number of court presidents and reserve judges (Q20).

Montenegro
(2022): some of the judges were retired and in the meantime new judges elected

(2021): During 2021, the Judicial Council noted the termination of the judicial function for 54 judges. Out of that, 19 judges were in the position related to the second instance before the termination of their judicial function, while 12 judges performed the function of a judge of the Supreme Court of Montenegro. For this reason, there was a difference compared to last year's report. In particular, a number of judges have exercised their right to a pension. The procedure for selecting new judges takes some time. At the beginning of 2022, a number of new judges were elected (eg 11 new judges of the Supreme Court of Montenegro)

(2020): Even though the percentage discrepancy in the reported values seems drastic, those values may be misleading. The number of total judges has not changed drastically. Last year:
Number of Supreme Court professional judges total - 19 judges
Males:- 5
Females- 14
This year: total - 18
males - 3
females - 15

North Macedonia

(General Comment): The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

(2022): 3. The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

(2021): 1. Number of first instance professional judges is the sum of the number of judges in all 27 basic courts and judges in Administrative court.
2. Number of second instance professional judges is the sum of the number of judges in all 4 appellate courts and judges in High Administrative court.
The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

(2020): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.
In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.
Number of Supreme Court professional judges - Female: The number is higher because of new elected judges in 2020.

Serbia

(2022): Since the last year, 4 male judges of Supreme Court retired.

(2020): INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanor courts, commercial courts, Administrative Court);
16.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanor Court of Appeal;
16.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation).
Judges of the Administrative Court are considered as first instance judges, bearing in mind that the Administrative Court is a republic court of special jurisdiction, which at first instance resolves administrative disputes (currently, single instance procedure) and performs other duties determined by law.

Kosovo*

(2024): In these number are not included the presidents of the courts.

(2022): The number of judges increased due to recruitment procedures and also promotions.
The number of judges also includes the Commercial Court, which was established in 2022.

(2020): The discrepancy concerning the number of Judges in all instances is because of retirement and/or promotion. The recruiting process of new judges is finalized and in early January the list of the new judges have been decreed by the president.

Question 019-1

Albania

(2023): -In regard of the Court Presidents
From the data available to the Directorate of Human Resources, it results that currently in the courts of all levels, 1 (one) President of the Court and 20 (twenty) Deputy President of the Court exercise the function.
In fulfillment of legal obligations, with the minutes of the General Meeting of Supreme Court Judges, dated 17.10.2023, the President of the Supreme Court was resolved.
Meanwhile, within the framework of the proper functioning of the courts, the 20 courts operating in the Republic of Albania have elected a magistrate (judge) in the position of Deputy President of the Court .
In the absence of the required number of judges for voting in the election of the President of the court, the courts have continued with the elections for the Deputy President, in the framework of the proper functioning of the respective courts, as well as the fulfillment of the legal obligation.

(2022): The number of court presidents decreased due to different reasons. Several of the aforementioned court presidents were dismissed because of the vetting process, several of the first instance court presidents have been promoted to higher courts or have been appointed in the delegation scheme.

Montenegro

(2024): Note: The basic court in Žabljak does not have a court president or a judge

(2023): The Basic Court in Žabljak does not have a Court President, while the Supreme Court of Montenegro, the Higher Misdemeanor Court, the Basic Court in Nikšić, and the Basic Court in Danilovgrad have Acting Presidents of the Court.

(2022): new presidents elected in the meantime

North Macedonia

(2022): The numbers are too low, the difference is only 1 person.

Serbia

(2022): New appellate courts presidents were appointed since last year

Question 022

Bosnia and Herzegovina

(General Comment): Lay judges are citizens who hear and decide criminal cases together with professional judges. Lay judges are appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and they play a role in the Bosnia and Herzegovina judicial system, due to application of previously valid criminal procedural laws that required their participation.
The procedural laws have been changed in a way that participation of lay judges is not required any longer, but due to a backlog of cases, their participation is still needed. Concretely, courts adjudicate the criminal law cases by panels that include lay judges if the proceedings were instituted before the currently valid Criminal Procedure Codes came into force.

(2024): In 2024, the trend of decreasing the number of non-professional judges continued, in line with a decrease in the number of old pending criminal cases in

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North Macedonia

(General Comment): Law on courts regulates the status, election, dismissal, and rights for lay judges. Lay judges participate in the trial when it is determined by the procedural laws (Law on Criminal Procedure, Law on Litigation Procedure etc.). Article 42 (Law on courts) regulates that every adult citizen of the Republic of North Macedonia who has completed at least secondary education, who is fluent in Macedonian language, has a reputation for exercising this function and is not older than 60 years, may be elected as a Lay judge. Lay judges shall be elected and dismissed by the Judicial Council of the Republic of North Macedonia under the conditions and in the procedure set by the law. A juvenile trial lay judge is elected from persons with experience in upbringing and education of young people. Discrimination on grounds of gender, race, color of the skin, national and social background, political and religious belief, material and social position shall be prohibited in election of judges and lay judges.
Equitable representation of the citizens from all communities shall be ensured when electing judges and lay judges without disturbing the criteria prescribed by law.
A person who is related in vertical or horizontal line up to third degree or is a spouse of a judge or lay judge cannot be elected judge or lay judge in the same court. A person who is related in vertical or horizontal line up to third degree or is a spouse of a member of the Judicial Council cannot be elected judge or lay judge.
The Judicial Council is responsible for determination of the optimal number of judges and lay judges in the courts of the Republic of North Macedonia.
Upon completion of the election, the Lay judges shall mandatorily attend specialized training, organized by the Academy for Judges and Public Prosecutors, after which the Academy shall issue a certificate for completed training to them.
The content, duration and the delivery of the training shall be defined by specialized programme for training of lay judges by the Academy for Judges and Public Prosecutors.
Lay judge are elected for a period of four years and may be re-elected. The lay judges shall give the solemn oath in front of the president of the court where they are elected.
According to article 66 (Law on courts) “A lay judge cannot be held liable for a stated opinion and manner of deciding during the adoption“.
A procedure for damage compensation or another procedure cannot be conducted against a judge or a lay judge by a party that is not satisfied with the decision of the judge. According to the article 64(Law on courts), the lay judges shall be entitled to compensation for carrying out the activities of a lay judge and the Minister of Justice adopts detailed regulations on the compensations of the lay judges of a court decisions.
The office of a lay judge shall terminate upon:
1) personal request;
2) permanent loss of the ability to fulfill the duty of a lay judge;
3) conviction of a crime to an imprisonment sentence of at least six months;
4) unduly or negligent fulfillment of the duty of a lay judge, and
5) turning 60 years old.

(2020): Gross figure - Number is higher because of more elected lay judges in 2020.

Serbia

(General Comment): THE LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)VI SPECIAL PROVISIONS REGARDING JUDGES
Prohibition of discrimination
Article 86
Discrimination on any basis is prohibited during the nomination for the election of a lay judge and the selection of a lay judge.
When proposing for the election of a lay judge and selecting a lay judge, account is taken of the national composition of the population, the appropriate representation of members of national minorities and knowledge of the language of the national minority, which is in official use in the court.
Conditions for selection and duration of the function
Article 87
An adult citizen of the Republic of Serbia who is worthy of the position of a lay judge can be elected as a lay judge.
A lay judge cannot be a member of a political party, nor act politically in any other way.
During the selection, the gender, age, occupation and social position of the candidate, knowledge, expertise and inclination towards a particular type of court case are taken into account.
A lay judge is elected for five years and may be re-elected.
Selection procedure
Article 88
The jury judge is chosen by the High Council of the Judiciary on the basis of a public competition.
The public competition for the selection of lay judges is published and implemented by the High Council of the Judiciary.
The public competition referred to in paragraph 1 of this article is published and conducted in accordance with the provisions of this law governing the selection of judges.
Before the election, the High Council of the Judiciary obtains the opinion of the court for which the lay judge is elected.
An adult person who, at the time of election, is less than 70 years of age can be elected as a jury judge.
The oath
Article 89
A lay judge takes the oath before the president of the court for which he was elected.
The oath reads: "I swear on my honor that I will perform my function faithfully to the Constitution and the law, conscientiously, devotedly and impartially".

(2023): THE LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)VI SPECIAL PROVISIONS REGARDING JUDGES
Prohibition of discrimination
Article 86
Discrimination on any basis is prohibited during the nomination for the election of a lay judge and the selection of a lay judge.
When proposing for the election of a lay judge and selecting a lay judge, account is taken of the national composition of the population, the appropriate representation of members of national minorities and knowledge of the language of the national minority, which is in official use in the court.
Conditions for selection and duration of the function
Article 87
An adult citizen of the Republic of Serbia who is worthy of the position of a lay judge can be elected as a lay judge.
A lay judge cannot be a member of a political party, nor act politically in any other way.
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The oath
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The oath reads: "I swear on my honor that I will perform my function faithfully to the Constitution and the law, conscientiously, devotedly and impartially".

(2022): Lay judges in Serbia are legal laymen, who participate in some civil and some criminal trials in the first instance (with one exception in the 2nd instance) and have the right to ask questions, give their opinion and participate in the rendering of the verdict, although the final word rests with the professional judge who signs the verdict.
A lay judge cannot be a member of a political party, nor act politically in any other way. Also, a lay judge cannot provide legal services and professional advice for a fee, nor can he be a lawyer.
Other positions, jobs and procedures that are contrary to the dignity and independence of the judge or harmful to the reputation of the court are incompatible with the function of a lay judge.
When appointing lay judges, the gender, age, occupation and social position of the candidate, knowledge, expertise and inclination towards certain types of court cases are taken into account.
A lay judge must be of legal age and under 70 years of age.
He is appointed for five years by the HJSC on the proposal of the competent authority for the judiciary and he can be reappointed

(2020): The High Court Council enacted a decision on 23 December 2019 on the appointment of lay judges (judges jurors) for a mandate period of the following 5 years. The number of lay judges appointed by the decision
was 2000. On 8 September 2020 The High Court Council enacted a decision on the appointment of 130 lay
judges for mandate of 5 years. The effective number of lay judges is 2130.

Kosovo*
(2024): There are 98 lay judges in Kosovo.

(2020): This is not applicable in our system

Question 023

Serbia
(General Comment): In first instance, in certain criminal and civil proceedings trial is carried by panel consisting of a professional judge and lay judges, i.e. 2-3 citizens who are not professionals.

(2020): In first instance, in certain criminal (possibility of over 8 years of prison sentence) and civil proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 citizens who are appointed based on a public call of the High Court Council.

Question 026

Albania

(2020): 2. non-judge staff assisting judges: new people were hired

4. technical staff: relocated

Bosnia and Herzegovina

(General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.
Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.
Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.
Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.
The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non-contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. appointment procedure, disciplinary procedure etc.).

(2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.
Category 1. Rechtspfleger (or similar bodies): The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints in a public competition procedure judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications which are set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. disciplinary procedure, rules on productivity etc.).
Category 2. Non-judge staff includes positions such as: law clerk, court typist/administrative judicial assistant, witness support officer etc.
Category 3. Staff in charge of different administrative tasks and of the management of the courts includes positions such as: court administrator, secretary to court president, human resource management officer, court registry staff, ICT staff, financial and budgetary officer, land registry and business registry staff, bailiff etc.
Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.

(2019): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.
Category 1. Rechtspfleger (or similar bodies): The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints in a public competition procedure judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications which are set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. disciplinary procedure, rules on productivity etc.).
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Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.

Montenegro

(2021): Regarding "2. Non-judge (judicial) staff whose task is to assist the judges such as registrars" - this is not a significant discrepancy (last report there the answer was 78)
Please take into account that in last year's report, the percentage of women in the "Other non-judge staff" category was 17.48, while this year the percentage was 26.06, which we believe is not a big deviation.

(2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.

North Macedonia

(2024): Other non-judge staff - court police

(2023): Other non-judge staff - court police

(2022): 5. In 2021 the number of females as a part of court police was 3. Actually, in 2022 there are only 2 more females, discrepancy ratio is high because the numbers are too low.

(2021): Court police.

(2020): In this category are included the number of the employees in the judicial police.
Other non-judge staff - female: There are no a big difference in absolute numbers.

Serbia

(General Comment): Judicial assistants are included in "2." They are non-judge staff whose task is to assist the judge such as drafting the decision, helping with hearings, preparing case file. Judicial/prosecutorial assistants are people who graduated at Faculty of Law and passed the Bar exam and are employed in court or public prosecutor's office.

(2023): Translator, spokesperson, media coordinator, court interpreter, librarian, workplace for international projects and European integration

(2022): Others: translator, interpreter, librarian, press coordinator, PR, counselor for European integration and international projects.

Kosovo*

(2022): In recruitment procedures for non judge staff, a number of staff in charge of different administrative tasks moved in the other category (staff whose task is to assist the judge)

(2021): Elaborated in the comment sections of the table above.

Question 027

Albania

(2021): Public prosecutors and non-prosecutor staff.

(2020): 2. males non-judge staff working in courts at second instance: staff increased

Montenegro

(2021): The Judicial Council pointed out the fact that there has been a reduction in the number of employees in the Supreme Court of Montenegro, and for that reason the number of men is lower compared to last year's report.

(2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.

North Macedonia

(2020): Total non-judge staff working in courts at Supreme Court level - Female: Increasing is due to the new employees in the State PPO.

Serbia

(2023): We would like to emphasize that the Judiciary in Serbia is additionally supported by the temporarily hired staff: public prosecutors office in total 395 (male 88, female 307) and courts 1738 (male 387, female 1351).

Question 028

Albania

(2024): GPO-The full time equivalent no. of prosecutors is 321. From this number, actually there are 207 prosecutors on duty; 44 prosecutors are suspended by the Revaluation process (Vetting) and there are also 70 vacancies
The number of female prosecutors has surpassed the number of male prosecutors for the year 2024.

(2023): Number of posts of prosecutors is 321. From this number, actually there are 208 prosecutors on duty; 49 prosecutors are suspended by the Revaluation process (Vetting) and there are also 64 vacancies. 1. Number of prosecutors at first instance level - 278 full-time equivalent - 188 post actually filled
2. Number of prosecutors at second instance (court of appeal) level - 26 full-time equivalent - 9 post actually filled
3. Number of prosecutors at Supreme Court level - 17 full-time equivalent - 11 post actually filled

(2022): 1. 321 full-time equivalent
202 post actually filled
2. 278 full-time equivalent
180 post actually filled
3. 26 full-time equivalent
12 post actually filled
4. 17 full-time equivalent
10 post actually filled
discrepancies with the answers of the previous campaign: From the vetting process during 2022 there where appointed new prosecutors graduate from the school of magistrate

(2021): Total number of prosecutors: 321 full-time equivalent, 205 posts actually filled.
Number of prosecutors at first instance level: 278 full-time equivalent, 177 posts actually filled.
Number of prosecutors at second instance (court of appeal) level: 26 full-time equivalent, 16 posts actually filled.
Number of prosecutors at Supreme Court level: 17 full-time equivalent, 12 posts actually filled.

(2020): The Special Prosecution prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level (not only representing before the first and second instance level). Also, from the 273 prosecutors acting in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.

Bosnia and Herzegovina

(General Comment): The number of heads of prosecution offices is included in the number of prosecutors.
There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.
Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.
Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.
Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.

(2020): The numbers provided in the table above do not include information on the number of chief prosecutors.
18 chief prosecutors were appointed on 31st December 2020.
The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020).

(2019): The numbers provided in the table above do not include information on the number of chief prosecutors.
The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). There were 19 chief prosecutors on 31st December 2019.
Additional comments Q019 (Number of professional judges): The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 -

Montenegro
(2023): Special State Prosecutor s Office has 15 proecutors, 8 males and 7 females. This is counted in total as well as in section 2. because they are also competent for the court of appeal cases

(2022): Section 2 includes also prosecutors of the Special State Prosecutor's Office,

(2021): Although in percentage terms these are changes that can be characterized as significant, we believe that these changes are not significant. Significant differences in percentages can occur because the total number of prosecutors is relatively small.

(2020): In the column ”Number of prosecutors at first instance level”, in addition to the number of state prosecutors in the basic state prosecutor's offices the number of special state prosecutors is included.

North Macedonia

(2022): Perhaps, the reason for discrepancy is that the numbers are very low. For example, in 2021 there was 1 female prosecutor at Supreme Court level, in 2022 are 2 females.

(2021): One prosecutor is retired and other is part of the Council by function.

(2020): Number of prosecutors at Supreme Court level – Female: Lower number is because one of the prosecutors has been retired and new is not elected.

Serbia

(General Comment): The data represents the total number of deputy public prosecutors working in the position of public prosecutor.

(2021): In the Prosecutor's Office for War Crimes and Organized Crime, the function of the Deputy Prosecutor is performed by 18 persons, of which 8 are female and 10 are male.

(2020): Number of prosecutors at first instance level:
1. Basic public prosecutor's offices: total 476; males: 186; females: 290
2. Senior public prosecutor's offices: total 226; males 102; female's 124
3. Prosecution for organized crime: total 13; males 10; female's 3
4. Prosecution for war crimes: total 10; males 6; female's 4

Kosovo*

(2024): The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2024 was 200.
In the table above the number of prosecutors is 153. This number does not include prosecutors who during 2024 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are 47 prosecutors including: Chairman of the Council, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Administration of Prosecution Offices, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices, 24 new prosecutors who were decreed on December 27th 2024 and 8 prosecutors from the Serbian community who have offered their resignations.

(2023): The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2023 was 189.
In the table above the number of prosecutors is 160. This number does not include prosecutors who during 2023 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are 29 prosecutors including: Chairman of the Council, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices, 3 heads of Departments in BPO Prishtina, 4 prosecutors are in maternity leave and 8 prosecutors from the Serbian community who have offered their resignations.

(2022): In the table above the number of prosecutors is 161. This number does not include prosecutors who during 2022 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are: Chairman of the Council, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices, 2 heads of Departments in BPO Prishtina, 2 prosecutors are in maternity leave and 1 prosecutor was studying outside of the country.
The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2022 was 181.

(2021): In the table, the number of prosecutors is 165. This number does not include prosecutors who during 2021 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are: Chairman of the Council, Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Prosecution Administration, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices and 2 heads of Departments in BPO Prishtina.
The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2021 was 182.
Whilst, the discrepancies marked are because of the promotion

(2020): 028.2 The discrepancy is because of the promotion

Question 028-1

Albania

(2023): The new judicial map has been implemented in the entire system of prosecutions of general jurisdiction. As a result, in 2023, the number of prosecutors of the first degree of general jurisdiction has been reduced from 22 to 13. Similarly, the number of appeal prosecutors of general jurisdiction has been consolidated from 6 to 1, with the sole appeal prosecutor now located in Tirana. Consequently, the number of managerial positions has also logically decreased, from 28 to 14.

(2022): during the 2022 have been appointed head of prosecutions offices

North Macedonia

(2022): In 2021 there was 3 males - heads of PPO and 1 female. In 2022 there are 4 males.

(2021): The head of Public prosecution office in Radovish is acting head. The head of Public prosecution office in Skopje was elected at the beginning of 2022.

Serbia

(2024): The reported figure includes only appointed Chief Public Prosecutors (66). In addition, there are 24 acting (ad interim) Chief Public Prosecutors who are currently not included in the total. At the time of reporting, competitions for Chief Public Prosecutor positions were ongoing in 21 Public Prosecutor's Offices.

(2023): In question are chief prosecutors who are not acting in a temporary capacity, but in a mandate.
Out of 90 Public prosecution offices in Serbia, 55 have elected Chief public prosecutors (Heads of prosecution offices). The remaining 35 offices have ad interim Chief public prosecutors. Competitions for the selection of Chief prosecutors in those 35 Public Prosecutor's Offices are underway with the aim of filling all vacant

(2021): There are special jurisdictions of the Prosecutor's Office for War Crimes and the Prosecutor's Office for Organized Crime, in which one person performs the function of a prosecutor.

Kosovo*

(2024): The information in the table represent the situation on 31 December 2024. From January 1st, 2025, we have a female Chief prosecutor in the level of first instance.

Question 032

Albania

(2024): Total number without the prosecutors is 742 (32 vakancies)/ From them 247 are Judicial Police Officers and the rest of 435, is supporting staff.

(2023): Numebr of posts of non-public prosecutor’s staff is 1003. From this number, actually filling the posts are 608 employees. The staff is divided in judicial police officers, (246 full time equivalent and 226 actually filling the position) and administrative staff (395 full time equivalent and 382 actually filling the position). The j.p officers actually filling the positions are divided; 185 males and 41 females. The administrative staff actually filling the positions are divided; 98 males and 284

(2021): From the total number, 160 are male judicial police officers and 40 are female judicial police officers. 112 are males having administrative duties and 295 are females having administrative duties.

(2020): 184 are judical police officers (47 females and 137 males) and 486 other staff (273 females and 213 males).

Bosnia and Herzegovina

(General Comment): The number of staff includes all categories of employees in prosecutors' offices except prosecutors. Employees who assist prosecutors in the work on cases, employees who perform all other tasks necessary for the functioning of the prosecutor's office and employees who perform the necessary technical tasks.
The categories of employees who are included in our response are the following: -Administrative, accounting and legal affairs -Typists, prosecutorial assistant
-ICT staff
-Investigators in prosecutors' offices
-Public Relations officers
-Expert for Witness support/protection of minors
-Support to prosecutors in case work (example – trainees)
-Expert associates/advisors - support to prosecutors in the work on cases (example – Economic expert)
-Supporting Technical staff (example – driver)

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-Expert associates/advisors - support to prosecutors in the work on cases (example – Economic expert)
-Supporting Technical staff (example – driver)

(2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

(2019): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

Montenegro

(2024): all staff civil servants full time employed.
According to internal organization and systematization acts in state prosecutor’s offices, there are employees with the following titles: secretary, head of cabinet, advisor, chief, head of registry office, independent advisor I, independent advisor II, independent advisor III, senior advisor I, senior advisor II, senior advisor III, advisor I, advisor II, advisor III, independent clerk, clerk, senior employee, employee and trainee.

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According to internal organization and systematization acts in state prosecutor’s offices, there are employees with the following titles: secretary, head of cabinet, advisor, chief, head of registry office, independent advisor I, independent advisor II, independent advisor III, senior advisor I, senior advisor II, senior advisor III, advisor I, advisor II, advisor III, independent clerk, clerk, senior employee, employee and trainee.

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North Macedonia

(2020): Higher number of employees last year was because of the employees in the Special Public Prosecution office. This category of employees is not working anymore in the public prosecution system.

Serbia

(2023): From the total number of out of 1,485, 735 are other employees whose task is to help public prosecutors - lawsuits. assistants, record-keepers, 599 employees in charge of various administrative tasks - registrars, personnel tasks, financial tasks, IT tasks, 142 technical staff, judicial guards, housekeepers, and finally 9 other/other tasks (spokesman, librarian, translator...)

Kosovo*

(2024): In this category we have included professional associates, legal officers and legal secretaries.

(2023): In this category we have included Director of Secretariat of KPC, Director of PPRU, Heads of departments, divisions, offices, administrators of prosecution offices, professional associates, legal officers and all other professional and administrative positions within the prosecutorial system.

(2022): In this category we have included Director of Secretariat of KPC, Director of PPRU, Heads of departments, divisions, offices, administrators of prosecution offices, professional associates, legal officers and all other professional and administrative positions within the prosecutorial system.

Question 033

Albania

(2021): Total number of those who have lawyers' license/title is 11.934. However, the reported number (2633) is that of practicing lawyers.

Bosnia and Herzegovina

(General Comment): Bar associations from Bosnia and Herzegovina submitted data on the number of lawyers registered in their official registers at the end of the reporting year. Only lawyers enrolled in the public registry of lawyers have the right to represent and defend all physical and legal persons before courts, administrative authorities and all other institutions in the state.

Montenegro
(2022): Source of data: Bar Association

North Macedonia
(2023): The total number of enrolled lawyers during 2023 is 97, of which 44 are females and 53 are males

Serbia
(2023): Total number of lawyers on December 31st, 2023.

(2021): The number of male and female lawyers are not available this year because The Bar Association of Serbia did not provide them.

Kosovo*
(2022): 78% men;
22% women.

(2020): Female: new lawyers have been licensed during 2020.

Question 034

Albania
(2021): There is no category of "legal advisors'' within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

(2020): There is no category of "legal advisors'' within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

Serbia
(2021): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

(2020): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

Kosovo*

(2020): The legal advisers can offer the same services just as a lawyer does, except for representing a party in a criminal case before the court. Unfortunately, there is not available the number of legal advisers.

Question 014-0-2

Montenegro

(2023): High misdemeanour court

North Macedonia

(2024): Specialised first instance courts: Administrative court
Specialised second instance court: High Administrative Court

(2023): Specialised first instance courts: Administrative court
Specialised second instance court: High Administrative Court

Serbia

(2024): The jurisdiction of courts in Serbia is regulated by the provisions of art. 24-32. of the Law on the Organisation of Courts.
According to the Law on the organization and the competence of state bodies in combating organized crime, terrorism and corruption (Official Gazette 94/2016, 87/2018 - another law and 10/2023) state authorities responsible for dealing with criminal offenses of organized crime and terrorism are:
1) Public prosecution for organized crime;
2) Ministry of Internal Affairs - organizational unit responsible for combating organized crime;
3) Special department of the High Court in Belgrade for organized crime;
4) Special department of the Appellate Court in Belgrade for organized crime; 5) Special detention unit of the District Prison in Belgrade.
On the other hand, according to the above mentioned law competent authorities for the suppression of corruption are: 1) special departments of higher public prosecutor's offices for the suppression of corruption; 2) Ministry of Internal Affairs - the organisational unit responsible for combating corruption; 3) special departments of higher courts for the suppression of corruption.
THE LAW ON THE ORGANIZATION AND COMPETENCE OF STATE BODIES IN WAR CRIMES PROCEEDINGS ("Official Gazette of RS", no. 67/2003, 135/2004, 61/2005, 101/2007, 104/2009, 101/2011 - other laws, 6/2015 and 10/2023) II ORGANIZATION AND COMPETENCE OF STATE BODIES
1. Public prosecution for war crimes
Article 4
The Public Prosecutor's Office for War Crimes is responsible for dealing with cases of criminal offenses from Article 2 of this law. The work of the Public Prosecution for War Crimes is managed by the Chief Public Prosecutor of the Public Prosecution for War Crimes (hereinafter: Chief Public Prosecutor).
If this law does not stipulate otherwise, the provisions of the law regulating the public prosecution shall apply to the Public Prosecution for War Crimes.
Article 5
During the election of the Chief Public Prosecutor, that is, the Public Prosecutor of the Public Prosecutor's Office for War Crimes (hereinafter: Public Prosecutor), priority is given to candidates who possess the necessary professional knowledge and experience in the field of criminal law, international humanitarian law and human rights.
Article 6
The chief public prosecutor issues an act on the internal organization and systematization of positions in the Public Prosecutor's Office for War Crimes, with the consent of the minister responsible for justice.
Article 7
All state bodies and organizations are obliged to, at the request of the Chief Public Prosecutor or the Service for the Detection of War Crimes:
1) enable the use of every technical means at their disposal without delay,

(2023): The jurisdiction of courts in Serbia is regulated by the provisions of art. 24-32. of the Law on the Organisation of Courts.
According to the Law on the organisation and the competence of state bodies in combating organised crime, terrorism and corruption (Official Gazette 94/2016, 87/2018 - another law and 10/2023) state authorities responsible for dealing with criminal offences of organised crime and terrorism are:
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3) Special department of the High Court in Belgrade for organized crime;
4) Special department of the Appellate Court in Belgrade for organized crime;
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Article 6

Kosovo*

(General Comment): Kosovo has a dedicated Commercial Court, established under Article 10 of Law No. 08/L-015 on the Commercial Code. The court operates through first-instance and second-instance chambers. Decisions issued by the first-instance chambers hold the same legal standing as those issued by the Basic Courts of Kosovo, while decisions from the second-instance chambers are equivalent to those issued by the Court of Appeals.

(2023): 1 Commercial court which serves as both a court of first and second instance.

Question 014-0-3

Albania

(2024): According to the new judicial map the number of courts – geographic locations is 14. In reference to decision 147, dated 29.03.2023 of the HJC "For determining the categories of courts", is provided as below:
The first or otherwise high category of courts is located in Tirana. This includes The High Court, Court of Appeal of General Jurisdiction, Special Court of Appeal for Corruption and Organized Crime, The Administrative Court of Appeal, Court of First Instance of the General Jurisdiction of Tirana, Special Court of First Instance for Corruption and Organized Crime, Administrative Court of First Instance of Tirana.
The second or otherwise middle category, includes courts of first instance of the general jurisdiction of the districts Durrës, Elbasan, Fier, Korçë, Shkodër, Vlorë, Berat, Lezhë; as well as the Administrative Court of First Instance of Lushnje.
The third or lower category of courts, includes courts of first instance of the general jurisdiction of the districts Dibër, Gjirokastër, Kukës, Sarandë.

(2023): According to the new judicial map the number of courts – geographic locations is 14. In reference to decision 147, dated 29.03.2023 of the HJC "For determining the categories of courts", is provided as below:
The first or otherwise high category of courts is located in Tirana. This includes The High Court, Court of Appeal of General Jurisdiction, Special Court of Appeal for Corruption and Organized Crime, The Administrative Court of Appeal, Court of First Instance of the General Jurisdiction of Tirana, Special Court of First Instance for Corruption and Organized Crime, Administrative Court of First Instance of Tirana.
The second or otherwise middle category, includes courts of first instance of the general jurisdiction of the districts Durrës, Elbasan, Fier, Korçë, Shkodër, Vlorë, Berat, Lezhë; as well as the Administrative Court of First Instance of Lushnje.
The third or lower category of courts, includes courts of first instance of the general jurisdiction of the districts Dibër, Gjirokastër, Kukës, Sarandë.

Bosnia and Herzegovina

(General Comment): The relevant laws regulate the organization, jurisdiction and operation of courts. Courts and court branches are established and dissolved by law. Courts conduct their activities at their seats. Courts may conduct their activities outside their seats in: court branches and by holding court days. Court president decides on holding court days.

(2023): The relevant laws regulate the organization, jurisdiction and operation of courts. Courts and court branches are established and dissolved by law. Courts conduct their activities at their seats. Courts may conduct their activities outside their seats in: court branches and by holding court days. Court president decides on holding court days. There were 21 additional geographical locations in 2023 outside the geographical locations of the respective courts' seats at which the first instance courts of general jurisdictions were conducting their activities such as holding hearings and other activities. The vast majority of the additional geographical locations were classified as court branches, whereas court days were scheduled in only 2 geographical locations.

Montenegro

(2024): We interpreted the city as a geographic location, therefore there is no difference between first instance courts geographic locations and all the courts geographic locations.

(2023): There are 25 courts on 16 geographic locations.
Podgorica (Basic court, Administrative court, Commercial court, High court, Appellate court, Supreme court, Misdemeanour court, High misdemeanour court) Bijelo Polje (Basic court, High court, Misdemeanour court)
Basic courts: Ulcinj, Bar, Cetinje, Kotor, Herceg Novi, Nikšić, Žabljak, Pljevlja, Danilovgrad, Kolašin, Berane, Plav, Rožaje
Budva: Misdemeanour court

North Macedonia

(2024): In the Republic of North Macedonia there are 27 basic courts with general jurisdiction and one specialized Administrative Court. In our court system, there are 4 appellate courts with general jurisdiction and one High Administrative Court. Also there is a Supreme Court of the Republic of North Macedonia as highest court

(2023): In the Republic of North Macedonia there are 27 basic courts with general jurisdiction and one specialized Administrative Court. In our court system, there are 4 appellate courts with general jurisdiction and one High Administrative Court. Also there is a Supreme Court of the Republic of North Macedonia as highest court

Kosovo*

(General Comment): The structure and number of courts in Kosovo are defined by Law No. 06/L-054 on Courts, which establishes seven Basic Courts operating across the Republic of Kosovo. Each Basic Court has several branches, distributed as follows:
Basic Court of Prishtina: Branches in Podujeva, Graçanica, Lipjan, Gllogovc, and Fushë Kosovë.
Basic Court of Gjilan: Branches in Kamenica, Viti, and Novobërdë.
Basic Court of Prizren: Branches in Dragash and Suharekë.
Basic Court of Mitrovica: Branches in Leposaviq, Vushtrri, Zubin Potok, and Skenderaj.
Basic Court of Gjakova: Branches in Malishevë and Rahovec.
Basic Court of Peja: Branches in Istog, Klinë, Deçan, and Junik.
Basic Court of Ferizaj: Branches in Kaçanik, Hani i Elezit, Shtërpcë, and Shtime.
Each Basic Court and its branches have their own buildings in the municipalities they serve.
Kosovo's Court of Appeals, Supreme Court, and both instances of the Commercial Court are based in Prishtina. Along with the Basic Court of Prishtina, they are located within the Palace of Justice, the central judicial complex in the capital.

3.Efficiency - Overview

Performance indicators for first instance Civil (and Commercial) litigious cases

Civil (and commercial) litigious cases from 2019 to 2024 (Table 3.1.4)

Clearance Rate					
Civil and Commercial litigious cases - 1st instance					
Beneficiaries	2019	2021	2022	2023	2024
Albania	94%	95%	89%	87%	105%
Bosnia and Herzegovina	114%	108%	98%	114%	98%
Montenegro	99%	92%	86%	82%	77%
North Macedonia	99%	99%	85%	93%	94%
Serbia	93%	74%	178%	140%	119%
Kosovo*	85%	53%	61%	81%	95%
WB Average	100%	94%	107%	103%	99%

For reference only: the 2023 EU median for the Clearance Rate for the first instance Civil (and commercial) litigious cases is 97%.

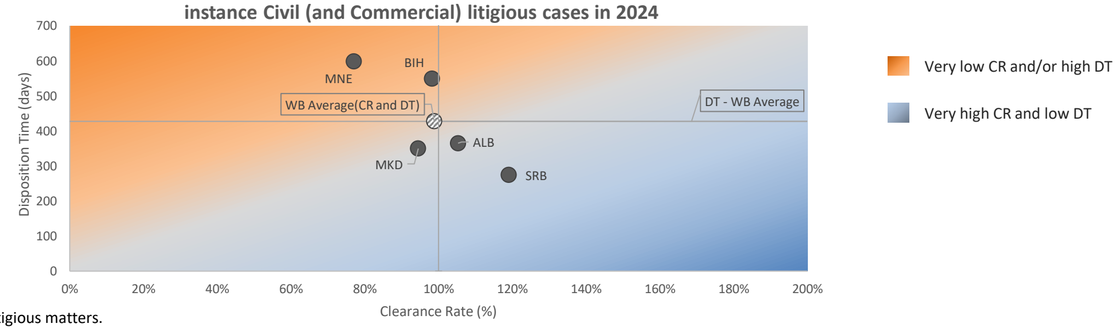
Disposition Time					
Civil and Commercial litigious cases - 1st instance					
Beneficiaries	2019	2021	2022	2023	2024
Albania	183	279	377	462	365
Bosnia and Herzegovina	528	512	518	538	549
Montenegro	256	359	417	503	598
North Macedonia	193	253	312	339	350
Serbia	306	403	299	278	274
Kosovo*	852	1 339	1 511	880	561
WB Average	293	361	384	424	427

For reference only: the 2023 EU median for the Disposition Time for the first instance Civil (and commercial) litigious cases is 247 days.

Figure 3.1 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases from 2019 to 2024



Figure 3.2 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases in 2024



As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Performance indicators for first instance Administrative cases

First instance Administrative cases from 2019 to 2024 (Table 3.1.4)

Clearance Rate					
Administrative cases - 1st instance					
Beneficiaries	2019	2021	2022	2023	2024
Albania	99%	96%	93%	91%	103%
Bosnia and Herzegovina	96%	107%	88%	112%	105%
Montenegro	105%	92%	40%	40%	109%
North Macedonia	116%	87%	104%	112%	100%
Serbia	94%	56%	39%	35%	76%
Kosovo*	93%	94%	82%	106%	44%
WB Average	102%	88%	73%	78%	99%

For reference only: the 2023 EU median for the Clearance Rate for the first instance Administrative cases is 101%.

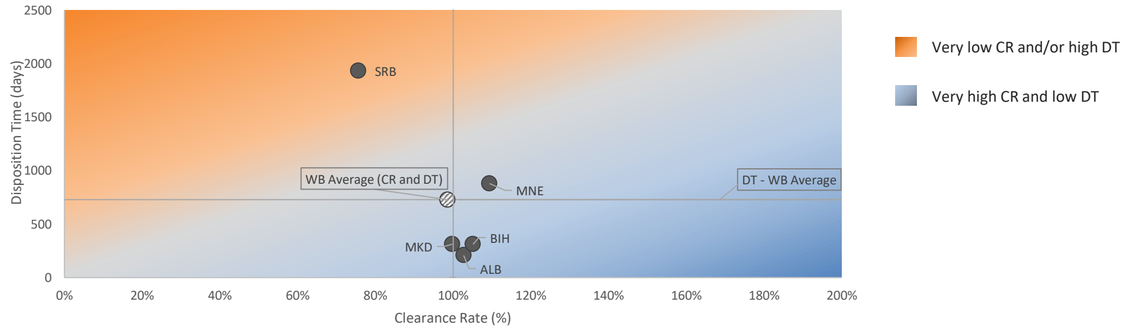
Disposition Time					
Administrative cases - 1st instance					
Beneficiaries	2019	2021	2022	2023	2024
Albania	100	152	179	229	208
Bosnia and Herzegovina	386	329	389	311	310
Montenegro	540	544	1 180	1 422	879
North Macedonia	235	348	303	283	312
Serbia	677	1 089	1 528	2 095	1 933
Kosovo*	787	798	967	716	1 245
WB Average	388	492	716	868	728

For reference only: the 2023 EU median for the Disposition Time for the first instance Administrative cases is 322 days.

Figure 3.3 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases from 2019 to 2024



Figure 3.4 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases in 2024



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Performance indicators for first instance Sum of Severe and Misdemeanour and / or minor criminal cases

First instance Sum of Severe and Misdemeanour and / or minor criminal cases from 2019 to 2024

(Table 3.2.4)

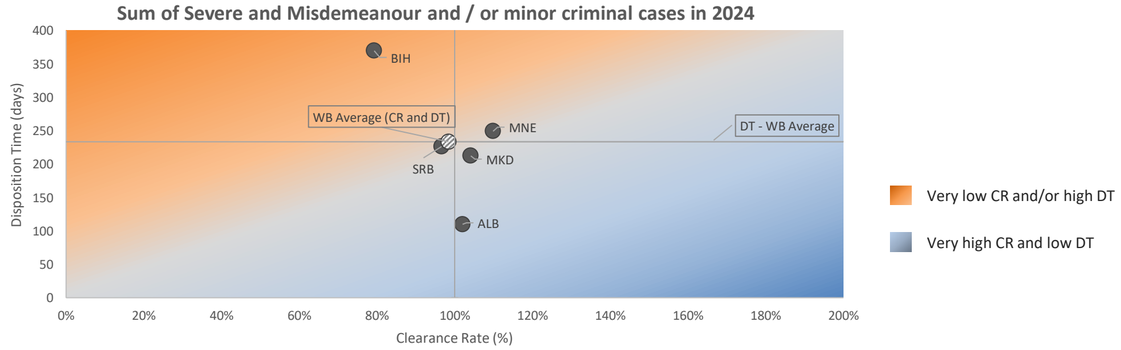
Clearance Rate					
Sum of Severe and Misdemeanour and / or minor criminal cases - 1st instance					
Beneficiaries	2019	2021	2022	2023	2024
Albania	82%	107%	100%	94%	102%
Bosnia and Herzegovina	90%	95%	109%	99%	79%
Montenegro	98%	101%	78%	98%	110%
North Macedonia	89%	103%	94%	88%	104%
Serbia	111%	98%	106%	103%	97%
Kosovo*	161%	85%	90%	107%	114%
WB Average	94%	101%	97%	96%	98%

Disposition Time					
Sum of Severe and Misdemeanour and / or minor criminal cases - 1st instance					
Beneficiaries	2019	2021	2022	2023	2024
Albania	181	98	106	124	110
Bosnia and Herzegovina	263	309	269	279	370
Montenegro	166	211	279	287	249
North Macedonia	216	132	159	223	212
Serbia	232	239	220	219	226
Kosovo*	299	559	585	506	439
WB Average	212	198	206	226	234

Figure 3.5 Clearance Rate (%) and Disposition Time (days) for first instance Sum of Severe and Misdemeanour and / or minor criminal cases from 2019 to 2024



Figure 3.6 Clearance Rate (%) and Disposition Time (days) for first instance Sum of Severe and Misdemeanour and / or minor criminal cases in 2024



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

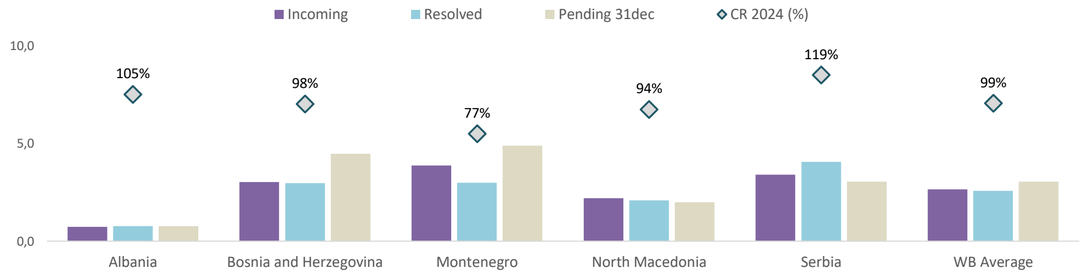
Number of first instance cases per 100 inhabitants

Number of first instance cases per 100 inhabitants in 2024 and their variation between 2023 to 2024 (Tables 3.1.2 and 3.2.2)

	Civil and Commercial litigious cases per 100 inhabitants					
	2024			% variation 2023-2024		
Beneficiaries	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,74	0,78	0,78	-1,0% ▼	20,2% ▲	-5,0% ▼
Bosnia and Herzegovina	3,03	2,98	4,49	14,9% ▲	-0,6% ▼	1,6% ▲
Montenegro	3,88	2,99	4,89	8,8% ▲	2,1% ▲	21,3% ▲
North Macedonia	2,21	2,09	2,00	1,5% ▲	3,4% ▲	6,7% ▲
Serbia	3,41	4,06	3,05	-0,9% ▼	-15,8% ▼	-17,1% ▼
Kosovo*	6,25	5,94	9,13	43,6% ▲	69,2% ▲	7,9% ▲
WB Average	2,66	2,58	3,04	4,7%	1,9%	1,5%

For reference only: the 2023 EU median for the number of first instance Civil and Commercial litigious cases per 100 inhabitants is 1,89 for the incoming cases, 1,68 for the resolved cases and 1,07 for the pending cases.

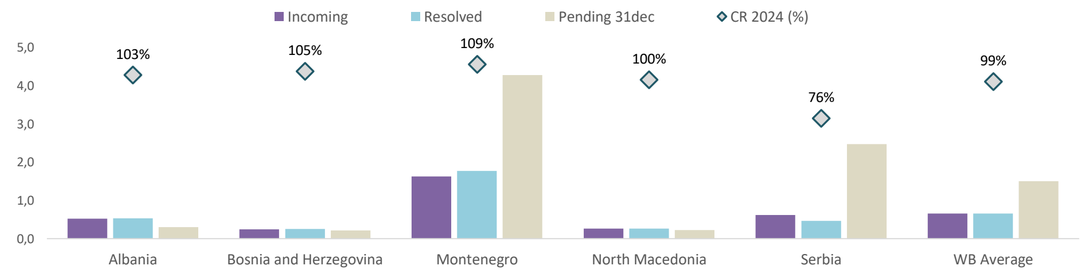
Figure 3.7 Number of first instance Civil and Commercial litigious cases per 100 inhabitans and Clearance Rate (CR) in 2024



	Administrative cases per 100 inhabitants					
	2024			% variation 2023-2024		
Beneficiaries	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,52	0,53	0,30	-6,9% ▼	5,5% ▲	-4,5% ▼
Bosnia and Herzegovina	0,24	0,26	0,22	1,5% ▲	-5,0% ▼	-5,1% ▼
Montenegro	1,62	1,77	4,27	-41,6% ▼	58,6% ▲	-2,0% ▼
North Macedonia	0,26	0,26	0,22	2,4% ▲	-9,0% ▼	0,4% ▲
Serbia	0,62	0,47	2,47	-46,6% ▼	16,0% ▲	7,1% ▲
Kosovo*	0,32	0,14	0,48	134,3% ▲	-3,4% ▼	68,1% ▲
WB Average	0,65	0,66	1,50	-18,2%	13,2%	-0,8%

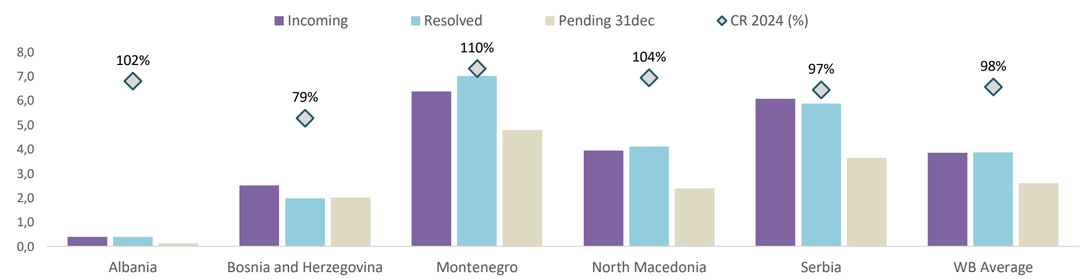
For reference only: the 2023 EU median for the number of first instance Administrative cases per 100 inhabitants is 0,36 for the incoming cases, 0,34 for the resolved cases and 0,22 for the pending cases.

Figure 3.8 Number of first instance Administrative cases per 100 inhabitans and Clearance Rate (CR) in 2024



	Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitants					
	2024			% variation 2023-2024		
Beneficiaries	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,39	0,39	0,12	-2,5% ▼	5,5% ▲	-6,5% ▼
Bosnia and Herzegovina	2,50	1,98	2,01	27,8% ▲	2,0% ▲	35,3% ▲
Montenegro	6,38	7,01	4,79	-9,3% ▼	2,1% ▲	-11,2% ▼
North Macedonia	3,95	4,11	2,39	-16,7% ▼	-1,7% ▼	-6,5% ▼
Serbia	6,08	5,87	3,64	9,7% ▲	3,1% ▲	6,6% ▲
				-	-	-
Kosovo*	2,63	2,99	3,60	5,4% ▲	11,4% ▲	-3,5% ▼
				-	-	-
WB Average	3,86	3,87	2,59	-1,9%	1,6%	-0,2%

Figure 3.9 Number of first instance Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitans and Clearance Rate (CR) in 2024



North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

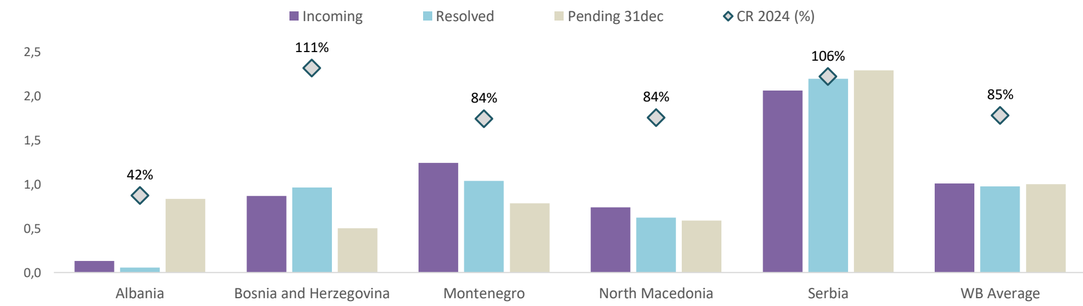
Number of second instance cases per 100 inhabitants

Number of second instance cases per 100 inhabitants in 2024 and their variation between 2023 to 2024 (Tables 3.3.2 and 3.4.2)

	Civil and Commercial litigious cases per 100 inhabitants					
	2024			% variation 2023-2024		
Beneficiaries	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,13	0,06	0,83	NA	-47,1% ▼	NA
Bosnia and Herzegovina	0,87	0,96	0,50	19,9% ▲	13,1% ▲	-14,8% ▼
Montenegro	1,24	1,04	0,78	-3,6% ▼	-7,8% ▼	34,2% ▲
North Macedonia	0,74	0,62	0,59	-4,9% ▼	-6,7% ▼	25,2% ▲
Serbia	2,06	2,19	2,29	-17,2% ▼	-9,3% ▼	-1,7% ▼
Kosovo*	1,26	0,81	1,40	78,9% ▲	26,7% ▲	56,2% ▲
WB Average	1,01	0,97	1,00	-1,4%	-11,6%	10,8%

For reference only: the 2023 EU median for the number of second instance Civil and Commercial litigious cases per 100 inhabitants is 0,18 for the incoming cases, 0,18 for the resolved cases and 0,12 for the pending cases.

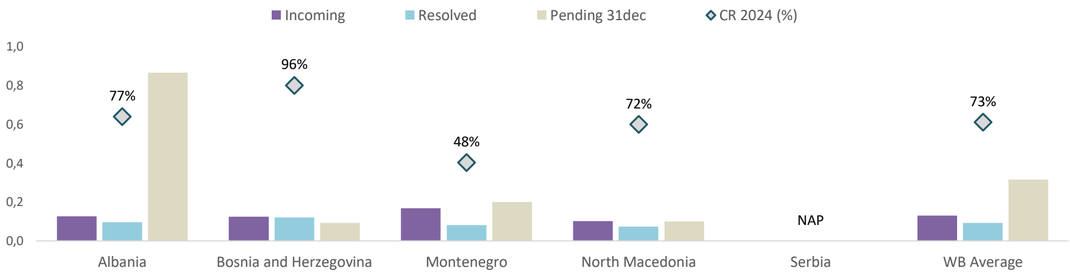
Figure 3.10 Number of second instance Civil and Commercial litigious cases per 100 inhabitans and Clearance Rate (CR) in 2024



	Administrative cases per 100 inhabitants					
	2024			% variation 2023-2024		
Beneficiaries	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,13	0,10	0,86	-0,1% ▼	68,3% ▲	3,5% ▲
Bosnia and Herzegovina	0,13	0,12	0,09	28,5% ▲	1,1% ▲	7,4% ▲
Montenegro	0,17	0,08	0,20	-18,3% ▼	-42,5% ▼	74,6% ▲
North Macedonia	0,10	0,07	0,10	-17,7% ▼	-14,3% ▼	40,7% ▲
Serbia	NAP	NAP	NAP	NAP	NAP	NAP
Kosovo*	0,07	0,05	0,06	5,1% ▲	-0,9% ▼	64,9% ▲
WB Average	0,13	0,09	0,31	-1,9%	3,1%	31,6%

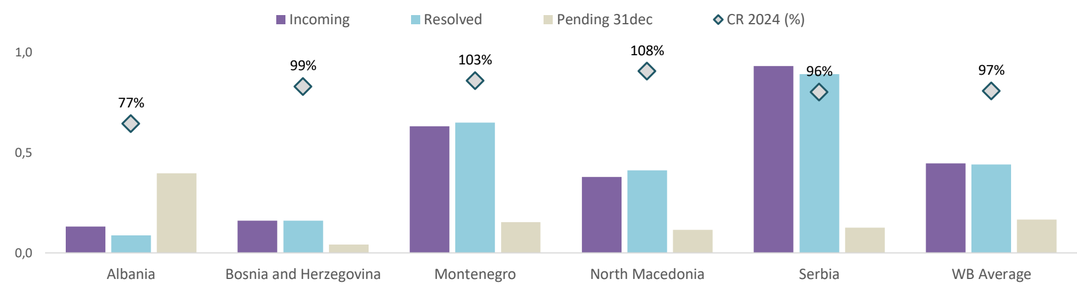
For reference only: the 2023 EU median for the number of second instance Administrative cases per 100 inhabitants is 0,05 for the incoming cases, 0,05 for the resolved cases and 0,06 for the pending cases.

Figure 3.11 Number of second instance Administrative cases per 100 inhabitans and Clearance Rate (CR) in 2024



	Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitants					
	2024			% variation 2023-2024		
Beneficiaries	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,13	0,09	0,40	4,6% ▲	10,3% ▲	12,9% ▲
Bosnia and Herzegovina	0,16	0,16	0,04	-6,2% ▼	-2,3% ▼	2,0% ▲
Montenegro	0,63	0,65	0,15	13,4% ▲	24,5% ▲	-9,4% ▼
North Macedonia	0,38	0,41	0,11	5,0% ▲	14,9% ▲	-21,7% ▼
Serbia	0,93	0,89	0,13	7,8% ▲	3,9% ▲	47,2% ▲
Kosovo*	0,23	0,19	0,11	35,7% ▲	9,8% ▲	81,9% ▲
WB Average	0,45	0,44	0,17	7,5%	11,0%	4,9%

Figure 3.12 Number of second instance Sum of Severe and Misdemeanour and / or minor criminal cases per 100 inhabitans and Clearance Rate (CR) in 2024



As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

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Kosovo is not included in the calculation of summary statistics*

ICT Deployment index

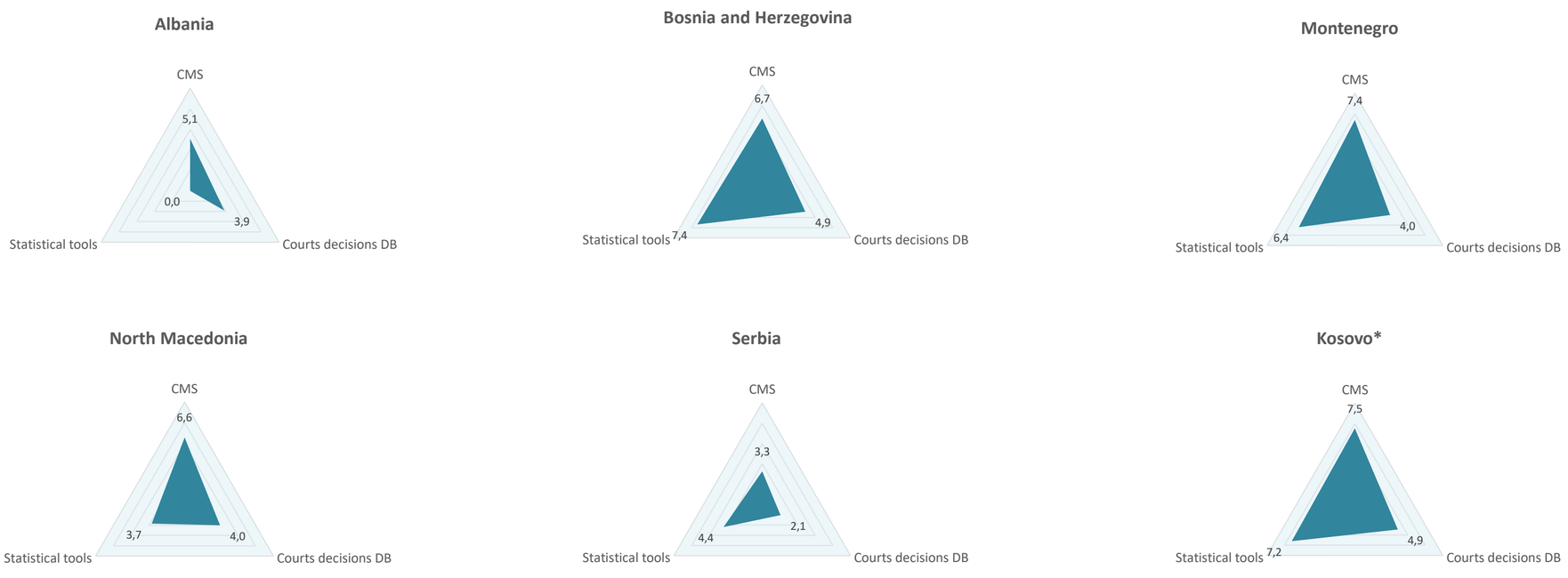
ICT Deployment indices in 2024 (Table 3.8.2, 3.8.4 and 3.8.7)

	CMS	Courts decisions DB	Statistical tools
	(10 max)	(10 max)	(10 max)
Albania	5,1	3,9	0,0
Bosnia and Herzegovina	6,7	4,9	7,4
Montenegro	7,4	4,0	6,4
North Macedonia	6,6	4,0	3,7
Serbia	3,3	2,1	4,4
Kosovo*	7,5	4,9	7,2

Beneficiary's deployment Indeces

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.

Figure 3.13 ICT deployment indeces for each beneficiary and the maximum attainable score in 2024



* This designatior . . . . ovo Declaration of .

Kosovo is not included in the calculation of summary statistics*

3. Efficiency - List of tables

Table 3.0.0 Case categories included in Civil (and commercial) non-litigious cases and in other cases in the "Other than criminal cases" in 2024 (Q36 and Q37)

3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2024 (Q35)

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2024 (Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2023 and 2024 (Q35)

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q35)

Table 3.1.5 First instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2024 (Q38)

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2024 (Q38)

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2023 and 2024 (Q38)

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q38)

Table 3.2.5 First instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts: Number of “other than criminal law” cases in 2024 (Q39)

Table 3.3.2 Second instance courts: Number of other than criminal cases per 100 inhabitants in 2024 (Q39)

Table 3.3.3 Second instance courts: percentage variation of the number of “other than criminal law” cases between 2023 and 2024 (Q39)

Table 3.3.4 Second instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2024 (Q39)

Table 3.3.5 Second instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q39)

3. Efficiency - List of tables

3.4 Second instance criminal cases

Table 3.4.1. Second instance courts: Number of criminal cases in 2024 (Q40)

Table 3.4.2 Second instance courts: Number of Criminal cases per 100 inhabitants in 2024 (Q40)

Table 3.4.3 Second instance courts: percentage variation in number of criminal cases between 2023 and 2024 (Q40)

Table 3.4.4 Second instance criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2024 (Q40)

Table 3.4.5 Second instance criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2024 (Q41)

Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2024 (Q41)

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2024 (Q41)

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2024 (Q41)

Table 3.5.5 Civil and commercial litigious cases and Litigious divorce cases: Variations between 2023 and 2024 (Q41)

Table 3.5.6 Employment dismissal cases and Insolvency cases: Variations between 2023 and 2024 (Q41)

Table 3.5.7 Robbery cases and Intentional homicide cases: Variations between 2023 and 2024 (Q41)

Table 3.5.8 Bribery and Trading in influence cases: Variations between 2023 and 2024 (Q41)

3. Efficiency - List of tables

3.6 Public prosecution

Table 3.6.1 Role and powers of the public prosecutor in the criminal procedure in 2024 (Q41-1)

Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2024 (Q41-2)

Table 3.6.3 Public prosecution: Caseflow in 2024 (Q41-3, Q41-5)

Table 3.6.4 Public prosecution: Caseflow (per 100 inhabitants) in 2024 (Q41-3)

Table 3.6.5 Public prosecution: Distribution of different categories of processed cases within all processed cases in 2024 (Q41-3)

Table 3.6.6 Number of cases concluded with the guilty plea procedure in 2024 (Q41-4)

3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2024 (Q42 and Q43)

Table 3.7.2 Regular monitoring of courts' activities (performance and quality) at the court's level in 2024 (Q58)

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality) at the public prosecution service's level in 2024 (Q59)

Table 3.7.4 Evaluation of the performance at court level in 2024 (Q48, Q49, Q50,Q51 and Q56)

Table 3.7.5 Evaluation of performance at public prosecution services level in 2024 (Q52, Q53, Q54, Q55 and Q57)

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2024 (Q60 and Q61)

Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases in 2024 (Q61-1)

Table 3.7.8 Information regarding courts' activity in 2024 (Q62, Q63, Q66, Q67, Q68)

Table 3.7.9 Information regarding public prosecution services' activity in 2024 (Q64, Q65, Q69, Q70 and Q71)

Table 3.7.10 Quantitative performance targets defined for each judges in 2024 (Q74, Q75 and Q75-1)

Table 3.7.11 System of Individual evaluation of judges' work in 2024 (Q76, Q76-1 and Q77)

Table 3.7.12 Quantitative performance defined for each public prosecutor in 2024 (Q78, Q79 and Q79-1)

Table 3.7.13 System of Individual evaluation of public prosecutors in 2024 (Q80, Q80-1 and Q81)

3. Efficiency - List of tables

3.8 Information and Communication Technology Tools

Table 3.8.1 IT Strategy and Case management system in 2024 (Q82-0, Q82, Q82-1-0, Q82-1 and Q82-2)

Table 3.8.2 Case management system - Deployment and usage rates in 2024 (Q83)

Table 3.8.3 Case management system - Functionalities in 2024 (Q83-1 and Q83-2)

Table 3.8.4 Database of court decisions - Deployment rates in 2024 (Q84)

Table 3.8.5 Database of court decisions - Modalities of publication in 2024 (Q84-1)

Table 3.8.6 Database of court decisions - Functionalities in 2024 (Q84-2)

Table 3.8.7 Statistical tools - Deployment rates in 2024 (Q85)

Table 3.8.8 Statistical tools - Functionalities in 2024 (Q85-1)

Table 3.8.9 Statistical tools - Data available for statistical analysis in 2024 (Q85-1)

Table 3.0.0 Case categories included in Civil (and commercial) non-litigious cases and in other cases in the "Other than criminal cases" in 2024 (Q36 and Q37)

Beneficiaries	Case categories included in Civil (and commercial) non-litigious cases and in other cases in the "Other than criminal cases"	
	Case categories included in "civil (and commercial) non-litigious cases"	Case categories included in the category "other cases"
Albania	.	.
Bosnia and Herzegovina	The most important case categories among civil and commercial non-litigious cases are: non-litigious enforcement cases, inheritance proceedings, non-contentious proceedings related to personal and family matters (e.g. establishing that a person does not have legal competence, striping of parental rights), non-contentious proceedings for settling relationships between co-owners of the real estate including dissolution of co-ownership, settlement of boundary lines, voluntary sales. The majority of non-litigious cases are enforcement proceedings the state-owned utility companies initiated because of unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc.).	No cases are included in the category “other cases”.
Montenegro	Basic and commercial courts deal with: - Civil cases (P) - Civil cases - small value (Mal) - Complex non-litigious cases (Rs) - Other civil and non-litigious cases (R) - Legacy cases (O)	Basic and commercial courts - Execution cases (I)
North Macedonia	In "non-litigious cases" are included: non-disputable cases and division of property.	In "other cases" are included bankruptcy and liquidation cases.
Serbia	. 2.1, shows cases of enforcement, non-litigious, and undisputed payment orders of basic and commercial courts, as well as rehabilitation cases presented at higher courts. 2.3, shows cases of protection of the right to a trial within a reasonable time and objections to the decisions of public notaries and objections in the enforcement procedure are presented.	. Incoming and outgoing cases of international legal cooperation, letters rogatory in civil and commercial matters, -Certification of documents, certification of documents intended for use abroad (according to the Hague Convention), issuance of various certificates, eg. on deprivation of legal capacity, on deprivation of parental rights etc.
Kosovo*	The category of cases in non-litigious procedure is determined by Law No. 03/L - 007 on Non-Litigious Procedure. Those cases include:	.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2024 (Q35)

Beneficiaries	First instance Other than criminal cases in 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	41 001	52 818	55 599	38 220	3 995	22 678	20 516	21 598	21 596	2 436	9 535	17 932	19 239	8 228	41	8 788	14 370	14 762	8 396	1 518	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	1 988 767	942 717	1 095 167	1 836 317	1 359 105	151 573	103 711	101 896	153 388	66 107	1 829 326	830 684	984 522	1 675 488	1 292 030	7 868	8 322	8 749	7 441	968	NAP	NAP	NAP	NAP	NAP
Montenegro	55 050	39 252	34 239	59 398	11 056	25 546	24 206	18 637	30 522	6 099	1 706	3 814	3 462	1 995	NA	27 589	10 114	11 063	26 638	4 932	209	1 117	1 076	243	25
North Macedonia	42 913	64 086	62 150	44 849	NA	34 327	40 381	38 156	36 552	NA	3 947	17 815	18 139	3 623	NA	4 074	4 786	4 776	4 084	NA	565	1 104	1 079	590	NA
Serbia	460 952	824 547	856 468	429 031	131 082	244 364	225 091	268 019	201 436	65 286	61 881	443 039	441 888	63 032	8 274	153 210	40 733	30 810	163 133	57 389	1 497	115 684	115 751	1 430	133
Kosovo*	150 763	108 939	100 997	158 705	50 032	141 347	100 204	95 164	146 387	46 957	4 658	3 583	3 587	4 654	1 952	4 758	5 152	2 246	7 664	1 123	NAP	NAP	NAP	NAP	NAP
Average	517 737	384 684	420 725	481 563	376 310	95 698	82 781	89 661	88 699	34 982	381 279	262 657	293 450	350 473	433 448	40 306	15 665	14 032	41 938	16 202	757	39 302	39 302	754	-
Median	55 050	64 086	62 150	59 398	71 069	34 327	40 381	38 156	36 552	35 693	9 535	17 932	19 239	8 228	8 274	8 788	10 114	11 063	8 396	3 225	565	1 117	1 079	590	-
Minimum	41 001	39 252	34 239	38 220	3 995	22 678	20 516	18 637	21 596	2 436	1 706	3 814	3 462	1 995	41	4 074	4 786	4 776	4 084	968	209	1 104	1 076	243	-
Maximum	1 988 767	942 717	1 095 167	1 836 317	1 359 105	244 364	225 091	268 019	201 436	66 107	1 829 326	830 684	984 522	1 675 488	1 292 030	153 210	40 733	30 810	163 133	57 389	1 497	115 684	115 751	1 430	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2024 (Q35)

Beneficiaries	First instance Other than criminal cases per 100 inhabitants in 2024																								
	Total of other than criminal cases (1+2+3+4)					1.Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	1,48	1,91	2,01	1,38	0,14	0,82	0,74	0,78	0,78	0,09	0,35	0,65	0,70	0,30	0,00	0,32	0,52	0,53	0,30	0,05	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	58,15	27,56	32,02	53,69	39,74	4,43	3,03	2,98	4,49	1,93	53,49	24,29	28,79	48,99	37,78	0,23	0,24	0,26	0,22	0,03	NAP	NAP	NAP	NAP	NAP
Montenegro	8,83	6,29	5,49	9,52	1,77	4,10	3,88	2,99	4,89	0,98	0,27	0,61	0,56	0,32	NA	4,42	1,62	1,77	4,27	0,79	0,03	0,18	0,17	0,04	0,00
North Macedonia	2,35	3,51	3,40	2,46	NA	1,88	2,21	2,09	2,00	NA	0,22	0,98	0,99	0,20	NA	0,22	0,26	0,26	0,22	NA	0,03	0,06	0,06	0,03	NA
Serbia	6,98	12,48	12,97	6,50	1,98	3,70	3,41	4,06	3,05	0,99	0,94	6,71	6,69	0,95	0,13	2,32	0,62	0,47	2,47	0,87	0,02	1,75	1,75	0,02	0,00
Kosovo*	9,41	6,80	6,30	9,90	3,12	8,82	6,25	5,94	9,13	2,93	0,29	0,22	0,22	0,29	0,12	0,30	0,32	0,14	0,48	0,07	NAP	NAP	NAP	NAP	NAP
Average	15,56	10,35	11,18	14,71	10,91	2,99	2,66	2,58	3,04	1,00	11,05	6,65	7,54	10,15	12,64	1,50	0,65	0,66	1,50	0,44	0,03	0,66	0,66	0,03	-
Median	6,98	6,29	5,49	6,50	1,88	3,70	3,03	2,98	3,05	0,98	0,35	0,98	0,99	0,32	0,13	0,32	0,52	0,47	0,30	0,42	0,03	0,18	0,17	0,03	-
Minimum	1,48	1,91	2,01	1,38	0,14	0,82	0,74	0,78	0,78	0,09	0,22	0,61	0,56	0,20	0,00	0,22	0,24	0,26	0,22	0,03	0,02	0,06	0,06	0,02	-
Maximum	58,15	27,56	32,02	53,69	39,74	4,43	3,88	4,06	4,89	1,93	53,49	24,29	28,79	48,99	37,78	4,42	1,62	1,77	4,27	0,87	0,03	1,75	1,75	0,04	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2023 and 2024 (Q35)

Beneficiaries	First instance Other than criminal cases: percentage variation between 2023 and 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	11,4%	-7,6%	5,1%	-6,9%	15,7%	13,6%	-1,0%	20,2%	-5,0%	49,2%	0,5%	-14,7%	-8,2%	-13,9%	32,3%	19,5%	-6,9%	5,5%	-4,5%	-15,1%	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	-1,2%	-17,9%	-7,2%	-7,3%	-5,9%	-7,5%	14,5%	-1,0%	1,2%	3,9%	-0,6%	-20,9%	-7,8%	-8,0%	-6,4%	-11,5%	1,1%	-5,4%	-5,5%	-20,7%	NAP	NAP	NAP	NAP	NAP
Montenegro	35,8%	-12,9%	12,8%	7,9%	86,6%	17,8%	7,1%	0,6%	19,5%	25,4%	14,9%	4,5%	1,7%	17,0%	NA	61,4%	-42,5%	56,2%	-3,4%	567,4%	-25,6%	-11,1%	-19,0%	16,3%	8,7%
North Macedonia	10,1%	-19,0%	-17,3%	4,5%	NA	9,3%	1,3%	3,2%	6,5%	NA	73,6%	-46,9%	-43,1%	-8,4%	NA	-12,4%	2,2%	-9,2%	0,2%	NA	-10,7%	5,0%	-3,6%	4,4%	NA
Serbia	-9,3%	-6,0%	-7,4%	-6,9%	-6,4%	-27,3%	-1,4%	-16,3%	-17,5%	-38,1%	-7,7%	-1,6%	-3,0%	1,9%	-7,0%	48,5%	-46,9%	15,4%	6,5%	125,2%	-5,6%	-5,5%	-5,5%	-4,5%	-46,8%
Kosovo*	4,3%	31,7%	47,9%	-0,1%	-5,9%	5,2%	30,6%	53,8%	-1,9%	-5,7%	-7,1%	0,2%	-7,7%	-1,1%	-11,4%	-7,7%	113,1%	-12,2%	52,9%	-3,9%	NAP	NAP	NAP	NAP	NAP
Average	9,4%	-12,7%	-2,8%	-1,7%	22,5%	1,2%	4,1%	1,4%	0,9%	10,1%	16,1%	-15,9%	-12,1%	-2,3%	6,3%	21,1%	-18,6%	12,5%	-1,3%	164,2%	-14,0%	-3,9%	-9,4%	5,4%	-
Median	10,1%	-12,9%	-7,2%	-6,9%	4,9%	9,3%	1,3%	0,6%	1,2%	14,6%	0,5%	-14,7%	-7,8%	-8,0%	-6,4%	19,5%	-6,9%	5,5%	-3,4%	55,0%	-10,7%	-5,5%	-5,5%	4,4%	-
Minimum	-9,3%	-19,0%	-17,3%	-7,3%	-6,4%	-27,3%	-1,4%	-16,3%	-17,5%	-38,1%	-7,7%	-46,9%	-43,1%	-13,9%	-7,0%	-12,4%	-46,9%	-9,2%	-5,5%	-20,7%	-25,6%	-11,1%	-19,0%	-4,5%	-
Maximum	35,8%	-6,0%	12,8%	7,9%	86,6%	17,8%	14,5%	20,2%	19,5%	49,2%	73,6%	4,5%	1,7%	17,0%	32,3%	61,4%	2,2%	56,2%	6,5%	567,4%	-5,6%	5,0%	-3,6%	16,3%	-

Lowest value — Highest value

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q35)

Beneficiaries	First instance Other than criminal cases in 2024														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Albania	105%	251	10%	105%	365	11%	107%	156	0%	103%	208	18%	NAP	NAP	NAP
Bosnia and Herzegovina	116%	612	74%	98%	549	43%	119%	621	77%	105%	310	13%	NAP	NAP	NAP
Montenegro	87%	633	19%	77%	598	20%	91%	210	NA	109%	879	19%	96%	82	10%
North Macedonia	97%	263	NA	94%	350	NA	102%	73	NA	100%	312	NA	98%	200	NA
Serbia	104%	183	31%	119%	274	32%	100%	52	13%	76%	1 933	35%	100%	5	9%
Kosovo*	93%	574	32%	95%	561	32%	100%	474	42%	44%	1 245	15%	NAP	NAP	NAP
Average	102%	388	33%	99%	427	27%	104%	223	30%	99%	728	21%	98%	96	-
Median	104%	263	25%	98%	365	26%	102%	156	13%	103%	312	18%	98%	82	-
Minimum	87%	183	10%	77%	274	11%	91%	52	0%	76%	208	13%	96%	5	-
Maximum	116%	633	74%	119%	598	43%	119%	621	77%	109%	1933	35%	100%	200	-

Low CR — High CR

Low DT — High DT

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.1.5 First instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

Beneficiaries	First instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	12,7	-11,4%	2,0	18,6	-21,0%	4,1	7,6	-6,2%	0,2	12,0	-9,4%	-2,3	NAP	NAP	NAP
Bosnia and Herzegovina	13,4	-0,1%	1,1	-15,3	2,2%	1,1	16,8	-0,2%	1,3	-7,2	-0,1%	-2,5	NAP	NAP	NAP
Montenegro	19,9	-4,4%	7,8	-5,0	18,8%	0,9	-2,5	15,1%	NA	69,1	-38,2%	15,8	-9,3	43,5%	-0,7
North Macedonia	2,0	26,5%	NA	1,8	3,2%	NA	6,8	60,8%	NA	-12,6	10,4%	NA	-8,7	8,3%	NA
Serbia	-1,5	0,5%	0,2	-21,2	-1,5%	-10,8	-1,4	5,0%	-1,2	40,9	-7,7%	18,5	0,0	1,1%	-7,4
Kosovo*	10,14	-32,5%	-1,91	14,35	-36,2%	-1,28	-8,53	7,1%	-4,88	-62,15	74,0%	-8,64	NAP	NAP	NAP
Average	9,3	2,2%	2,8	-4,2	0,4%	-1,2	5,5	14,9%	0,1	20,4	-9,0%	7,4	-6,0	17,6%	-
Median	12,7	-0,1%	1,6	-5,0	2,2%	1,0	6,8	5,0%	0,2	12,0	-7,7%	6,8	-8,7	8,3%	-
Minimum	-1,5	-11,4%	0,2	-21,2	-21,0%	-10,8	-2,5	-6,2%	-1,2	-12,6	-38,2%	-2,5	-9,3	1,1%	-
Maximum	19,9	26,5%	7,8	18,6	18,8%	4,1	16,8	60,8%	1,3	69,1	10,4%	18,5	0,0	43,5%	-

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Kosovo is not included in the calculation of summary statistics*

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2024 (Q38)

Beneficiaries	First instance Criminal cases in 2024																								
	Total criminal cases (1+2+3)					Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	11 766	49 731	49 082	12 415	385	3 487	10 649	10 863	3 273	215	2 275	8 359	8 138	2 496	172	1 212	2 290	2 725	777	43	8 279	39 082	38 219	9 142	170
Bosnia and Herzegovina	134 954	214 616	199 171	150 399	31 529	51 012	85 604	67 864	68 752	1 667	7 666	8 922	8 576	8 012	1 539	43 346	76 682	59 288	60 740	128	83 942	129 012	131 307	81 647	29 862
Montenegro	52 897	59 562	62 697	47 228	623	34 150	39 793	43 715	29 859	NA	3 169	4 075	3 421	3 602	623	30 981	35 718	40 294	26 257	NA	18 747	19 769	18 982	17 369	NA
North Macedonia	46 647	72 059	75 034	43 672	NA	46 647	72 059	75 034	43 672	NA	5 235	10 754	10 556	5 433	NA	41 412	61 305	64 478	38 239	NA	NAP	NAP	NAP	NAP	NAP
Serbia	243 057	562 287	549 259	256 085	11 836	226 766	401 337	387 672	240 431	11 132	26 222	43 466	44 173	25 515	5 161	200 544	357 871	343 499	214 916	5 971	16 291	160 950	161 587	15 654	704
Kosovo*	66 882	49 856	54 812	61 926	17 111	63 370	42 216	47 946	57 640	17 111	31 807	16 605	17 070	31 342	13 988	31 563	25 611	30 876	26 298	3 123	3 512	7 640	6 866	4 286	0
Average	97 864	191 651	187 049	101 960	11 093	72 412	121 888	117 030	77 197	4 338	8 913	15 115	14 973	9 012	1 874	63 499	106 773	102 057	68 186	2 047	31 815	87 203	87 524	30 953	10 245
Median	52 897	72 059	75 034	47 228	6 230	46 647	72 059	67 864	43 672	1 667	5 235	8 922	8 576	5 433	1 081	41 412	61 305	59 288	38 239	128	17 519	84 047	84 763	16 512	704
Minimum	11 766	49 731	49 082	12 415	385	3 487	10 649	10 863	3 273	215	2 275	4 075	3 421	2 496	172	1 212	2 290	2 725	777	43	8 279	19 769	18 982	9 142	170
Maximum	243 057	562 287	549 259	256 085	31 529	226 766	401 337	387 672	240 431	11 132	26 222	43 466	44 173	25 515	5 161	200 544	357 871	343 499	214 916	5 971	83 942	160 950	161 587	81 647	29 862

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2024 (Q38)

Beneficiaries	First instance Criminal cases per 100 inhabitants in 2024																								
	Total criminal cases (1+2+3)					Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	0,43	1,80	1,78	0,45	0,01	0,13	0,39	0,39	0,12	0,01	0,08	0,30	0,29	0,09	0,01	0,04	0,08	0,10	0,03	0,00	0,30	1,42	1,38	0,33	0,01
Bosnia and Herzegovina	3,95	6,28	5,82	4,40	0,92	1,49	2,50	1,98	2,01	0,05	0,22	0,26	0,25	0,23	0,05	1,27	2,24	1,73	1,78	0,00	2,45	3,77	3,84	2,39	0,87
Montenegro	8,48	9,55	10,05	7,57	0,10	5,48	6,38	7,01	4,79	NA	0,51	0,65	0,55	0,58	0,10	4,97	5,73	6,46	4,21	NA	3,01	3,17	3,04	2,79	NA
North Macedonia	2,55	3,95	4,11	2,39	NA	2,55	3,95	4,11	2,39	NA	0,29	0,59	0,58	0,30	NA	2,27	3,36	3,53	2,09	NA	NAP	NAP	NAP	NAP	NAP
Serbia	3,68	8,51	8,32	3,88	0,18	3,43	6,08	5,87	3,64	0,17	0,40	0,66	0,67	0,39	0,08	3,04	5,42	5,20	3,25	0,09	0,25	2,44	2,45	0,24	0,01
Kosovo*	4,17	3,11	3,42	3,86	1,07	3,95	2,63	2,99	3,60	1,07	1,98	1,04	1,07	1,96	0,87	1,97	1,60	1,93	1,64	0,19	0,22	0,48	0,43	0,27	0,00
Average	3,82	6,02	6,02	3,74	0,30	2,62	3,86	3,87	2,59	0,08	0,30	0,49	0,47	0,32	0,06	2,32	3,37	3,40	2,27	0,03	1,50	2,70	2,68	1,44	0,30
Median	3,68	6,28	5,82	3,88	0,14	2,55	3,95	4,11	2,39	0,05	0,29	0,59	0,55	0,30	0,06	2,27	3,36	3,53	2,09	0,00	1,38	2,80	2,75	1,36	0,01
Minimum	0,43	1,80	1,78	0,45	0,01	0,13	0,39	0,39	0,12	0,01	0,08	0,26	0,25	0,09	0,01	0,04	0,08	0,10	0,03	0,00	0,25	1,42	1,38	0,24	0,01
Maximum	8,48	9,55	10,05	7,57	0,92	5,48	6,38	7,01	4,79	0,17	0,51	0,66	0,67	0,58	0,10	4,97	5,73	6,46	4,21	0,09	3,01	3,77	3,84	2,79	0,87

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2023 and 2024 (Q38)

Beneficiaries	First instance criminal cases: percentage variation between 2023 and 2024																								
	Total criminal cases (1+2+3)					Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	10,8%	16,6%	18,7%	4,3%	153,3%	21,6%	-2,5%	5,5%	-6,5%	88,6%	28,6%	5,3%	9,5%	9,6%	104,8%	10,3%	-23,4%	-4,9%	-36,4%	43,3%	6,8%	23,3%	23,0%	8,8%	347,4%
Bosnia and Herzegovina	-1,7%	8,3%	-0,7%	11,4%	5,4%	0,9%	27,3%	1,6%	34,8%	13,3%	-1,9%	0,5%	-5,0%	4,5%	10,0%	1,4%	31,3%	2,6%	40,1%	77,8%	-3,3%	-1,5%	-1,8%	-2,7%	5,0%
Montenegro	1,5%	-10,6%	-1,0%	-10,7%	NA	2,4%	-10,7%	0,6%	-12,6%	NA	19,3%	11,2%	11,4%	13,7%	18,0%	0,9%	-12,6%	-0,2%	-15,2%	NA	-0,2%	-10,4%	-4,5%	-7,4%	NA
North Macedonia	27,7%	-16,9%	-1,9%	-6,7%	NA	27,7%	-16,9%	-1,9%	-6,7%	NA	-3,7%	3,5%	-0,2%	3,6%	NA	33,2%	-19,7%	-2,1%	-8,0%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	-4,1%	-33,2%	-35,6%	5,4%	-11,1%	-4,3%	9,1%	2,6%	6,0%	-9,6%	-2,5%	-3,6%	-3,4%	-2,7%	0,9%	-4,5%	10,9%	3,4%	7,2%	-17,0%	-1,9%	-66,1%	-66,0%	-3,9%	-30,1%
Kosovo*	-8,0%	-0,9%	2,6%	-11,0%	-10,1%	-8,1%	-4,2%	1,3%	-12,2%	-0,4%	-5,1%	0,3%	-3,1%	-3,5%	-0,2%	-11,0%	-6,8%	3,9%	-20,8%	-1,2%	-6,1%	21,6%	12,7%	9,1%	-100,0%
Average	6,8%	-7,2%	-4,1%	0,7%	49,2%	9,7%	1,2%	1,7%	3,0%	30,8%	8,0%	3,4%	2,4%	5,7%	33,4%	8,3%	-2,7%	-0,2%	-2,5%	34,7%	0,4%	-13,7%	-12,3%	-1,3%	107,4%
Median	1,5%	-10,6%	-1,0%	4,3%	5,4%	2,4%	-2,5%	1,6%	-6,5%	13,3%	-1,9%	3,5%	-0,2%	4,5%	14,0%	1,4%	-12,6%	-0,2%	-8,0%	43,3%	-1,0%	-5,9%	-3,2%	-3,3%	5,0%
Minimum	-4,1%	-33,2%	-35,6%	-10,7%	-11,1%	-4,3%	-16,9%	-1,9%	-12,6%	-9,6%	-3,7%	-3,6%	-5,0%	-2,7%	0,9%	-4,5%	-23,4%	-4,9%	-36,4%	-17,0%	-3,3%	-66,1%	-66,0%	-7,4%	-30,1%
Maximum	27,7%	16,6%	18,7%	11,4%	153,3%	27,7%	27,3%	5,5%	34,8%	88,6%	28,6%	11,2%	11,4%	13,7%	104,8%	33,2%	31,3%	3,4%	40,1%	77,8%	6,8%	23,3%	23,0%	8,8%	347,4%

Lowest value — Highest value

Serbia: in 2023 and 2024 the number of "other" criminal cases decreased due to a change in the counting methodology .

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2024 (Q38)

Beneficiaries	First instance courts: criminal cases (2024)														
	Total criminal cases (1+2+3)			Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Albania	99%	92	3%	102%	110	7%	97%	112	7%	119%	104	6%	98%	87	2%
Bosnia and Herzegovina	93%	276	21%	79%	370	2%	96%	341	19%	77%	374	0%	102%	227	37%
Montenegro	105%	275	1%	110%	249	NA	84%	384	17%	113%	238	NA	96%	334	NA
North Macedonia	104%	212	NA	104%	212	NA	98%	188	NA	105%	216	NA	NAP	NAP	NAP
Serbia	98%	170	5%	97%	226	5%	102%	211	20%	96%	228	3%	100%	35	4%
Kosovo*	110%	412	28%	114%	439	30%	103%	670	45%	121%	311	12%	90%	228	0%
Average	100%	205	8%	98%	234	5%	95%	247	16%	102%	232	3%	99%	171	14%
Median	99%	212	4%	102%	226	5%	97%	211	18%	105%	228	3%	99%	157	4%
Minimum	93%	92	1%	79%	110	2%	84%	112	7%	77%	104	0%	96%	35	2%
Maximum	105%	276	21%	110%	370	7%	102%	384	20%	119%	374	6%	102%	334	37%

Low CR — High CR

Low DT — High DT

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.2.5 First instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

Beneficiaries	First instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024														
	Total criminal cases (1+2+3)			Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	1,7	-12,1%	1,8	7,8	-11,4%	3,3	3,8	0,1%	3,2	23,1	-33,1%	3,1	-0,2	-11,5%	1,4
Bosnia and Herzegovina	-8,4	12,2%	-1,2	-20,0	32,6%	-0,5	-5,6	10,0%	1,0	-21,6	36,5%	0,0	-0,4	-0,9%	2,7
Montenegro	10,2	-9,8%	NA	12,3	-13,1%	NA	0,2	2,0%	0,6	14,0	-15,0%	NA	5,9	-3,0%	NA
North Macedonia	16,0	-4,9%	NA	16,0	-4,9%	NA	-3,7	3,9%	NA	18,9	-6,0%	NA	NAP	NAP	NAP
Serbia	-3,6	63,5%	-0,9	-6,2	3,4%	-0,8	0,1	0,8%	0,7	-6,9	3,7%	-0,8	0,3	182,2%	-1,7
Kosovo*	3,77	-13,3%	0,28	113,57	-	29,69	-3,6	-0,4%	1,5	12,4	-23,8%	2,4	-7,1	-3,2%	-47,4
Average	3,2	9,8%	-0,1	2,0	0,0	0,7	-1,0	3,4%	1,4	5,5	-2,8%	0,8	1,4	41,7%	0,8
Median	1,7	-4,9%	-0,9	7,8	0,0	-0,5	0,1	2,0%	0,8	14,0	-6,0%	0,0	0,1	-1,9%	1,4
Minimum	16,0	63,5%	1,8	16,0	0,3	3,3	3,8	10,0%	3,2	23,1	36,5%	3,1	5,9	182,2%	2,7
Maximum	-8,4	-12,1%	-1,2	-20,0	-0,1	-0,8	-5,6	0,1%	0,6	-21,6	-33,1%	-0,8	-0,4	-11,5%	-1,7

Serbia: in 2023 and 2024 the number of "other" criminal cases decreased due to a change in the counting methodology .

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts: Number of “other than criminal law” cases in 2024 (Q39)

Beneficiaries	Second instance Other than criminal cases in 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	49 036	9 425	6 484	51 977	36 455	20 904	3 648	1 529	23 023	16 887	5 076	2 312	2 296	5 092	2 162	23 056	3 465	2 659	23 862	17 406	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	23 352	33 889	37 001	20 240	2 977	20 378	29 606	32 888	17 096	2 976	NAP	NAP	NAP	NAP	NAP	2 974	4 283	4 113	3 144	1	NAP	NAP	NAP	NAP	NAP
Montenegro	4 454	9 038	7 216	6 274	3 436	3 626	7 750	6 481	4 895	3 417	96	179	166	109	82	713	1 043	504	1 252	13	17	66	65	18	6
North Macedonia	9 954	15 339	12 697	12 596	NA	8 647	13 487	11 367	10 767	NA	NAP	NAP	NAP	NAP	NAP	1 307	1 852	1 330	1 829	NA	NAP	NAP	NAP	NAP	NAP
Serbia	160 661	142 172	151 127	151 706	51 265	160 147	136 121	144 955	151 313	51 240	514	6 039	6 160	393	25	NAP	NAP	NAP	NAP	NAP	0	12	12	0	0
Kosovo*	16 452	21 754	14 108	24 098	1 555	15 232	20 263	13 004	22 491	1 479	600	337	260	677	76	620	1 154	844	930	0	NAP	NAP	NAP	NAP	NAP
Average	49 491	41 973	42 905	48 559	23 533	42 740	38 122	39 444	41 419	18 630	1 895	2 843	2 874	1 865	756	7 013	2 661	2 152	7 522	5 807	-	-	-	-	-
Median	23 352	15 339	12 697	20 240	19 946	20 378	13 487	11 367	17 096	10 152	514	2 312	2 296	393	82	2 141	2 659	1 995	2 487	13	-	-	-	-	-
Minimum	4 454	9 038	6 484	6 274	2 977	3 626	3 648	1 529	4 895	2 976	96	179	166	109	25	713	1 043	504	1 252	1	-	-	-	-	-
Maximum	160 661	142 172	151 127	151 706	51 265	160 147	136 121	144 955	151 313	51 240	5 076	6 039	6 160	5 092	2 162	23 056	4 283	4 113	23 862	17 406	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

Table 3.3.2 Second instance courts: Number of other than criminal cases per 100 inhabitants in 2024 (Q39)

Beneficiaries	Second instance Other than criminal cases per 100 inhabitants in 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	1,78	0,34	0,23	1,88	1,32	0,76	0,13	0,06	0,83	0,61	0,18	0,08	0,08	0,18	0,08	0,83	0,13	0,10	0,86	0,63	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	0,68	0,99	1,08	0,59	0,09	0,60	0,87	0,96	0,50	0,09	NAP	NAP	NAP	NAP	NAP	0,09	0,13	0,12	0,09	0,00	NAP	NAP	NAP	NAP	NAP
Montenegro	0,71	1,45	1,16	1,01	0,55	0,58	1,24	1,04	0,78	0,55	0,02	0,03	0,03	0,02	0,01	0,11	0,17	0,08	0,20	0,00	0,00	0,01	0,01	0,00	0,00
North Macedonia	0,55	0,84	0,70	0,69	NA	0,47	0,74	0,62	0,59	NA	NAP	NAP	NAP	NAP	NAP	0,07	0,10	0,07	0,10	NA	NAP	NAP	NAP	NAP	NAP
Serbia	2,43	2,15	2,29	2,30	0,78	2,42	2,06	2,19	2,29	0,78	0,01	0,09	0,09	0,01	0,00	NAP	NAP	NAP	NAP	NAP	0,00	0,00	0,00	0,00	0,00
Kosovo*	1,03	1,36	0,88	1,50	0,10	0,95	1,26	0,81	1,40	0,09	0,04	0,02	0,02	0,04	0,00	0,04	0,07	0,05	0,06	0,00	NAP	NAP	NAP	NAP	NAP
Average	1,23	1,15	1,09	1,29	0,68	0,97	1,01	0,97	1,00	0,51	0,07	0,07	0,07	0,07	0,03	0,28	0,13	0,09	0,31	0,21	-	-	-	-	-
Median	0,71	0,99	1,08	1,01	0,66	0,60	0,87	0,96	0,78	0,58	0,02	0,08	0,08	0,02	0,01	0,10	0,13	0,09	0,15	0,00	-	-	-	-	-
Minimum	0,55	0,34	0,23	0,59	0,09	0,47	0,13	0,06	0,50	0,09	0,01	0,03	0,03	0,01	0,00	0,07	0,10	0,07	0,09	0,00	-	-	-	-	-
Maximum	2,43	2,15	2,29	2,30	1,32	2,42	2,06	2,19	2,29	0,78	0,18	0,09	0,09	0,18	0,08	0,83	0,17	0,12	0,86	0,63	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.3.3 Second instance courts: percentage variation of the number of “other than criminal law” cases between 2023 and 2024 (Q39)

Beneficiaries	Second instance Other than criminal cases: percentage variation between 2023 and 2024																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	15,3%	NA	30,3%	NA	NA	27,6%	NA	-47,1%	NA	NA	2,2%	274,1%	351,1%	0,3%	9,7%	8,9%	-0,1%	68,3%	3,5%	6,4%	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	-18,2%	19,0%	9,8%	-13,3%	-42,0%	-17,9%	18,0%	11,3%	-16,1%	-42,0%	NAP	NAP	NAP	NAP	NAP	-20,1%	26,5%	-0,5%	5,7%	-	NAP	NAP	NAP	NAP	NAP
Montenegro	46,3%	-4,9%	-10,6%	40,9%	51,9%	36,9%	-3,0%	-7,2%	35,0%	56,0%	31,5%	0,0%	5,7%	13,5%	22,4%	125,6%	-17,8%	-42,2%	75,6%	-	183,3%	-4,3%	10,2%	5,9%	50,0%
North Macedonia	37,3%	-7,2%	-8,1%	26,5%	NA	30,1%	-5,4%	-7,3%	24,5%	NA	NAP	NAP	NAP	NAP	NAP	116,0%	-18,2%	-14,8%	39,9%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	2,7%	-21,0%	-14,0%	-5,6%	8,9%	3,0%	-20,4%	-12,8%	-5,5%	8,9%	-46,0%	-33,2%	-35,0%	-23,5%	-16,7%	NAP	NAP	NAP	NAP	NAP	0,0%	200,0%	200,0%	0,0%	0,0%
Kosovo*	NA	NA	NA	NA	NA	1,7%	62,7%	15,2%	42,1%	NA	NA	NA	NA	NA	NA	77,1%	-4,4%	-9,9%	50,0%	NA	NAP	NAP	NAP	NAP	NAP
Average	16,7%	-3,5%	1,5%	12,1%	6,3%	15,9%	-2,7%	-12,6%	9,5%	7,6%	-4,1%	80,3%	107,3%	-3,2%	5,1%	57,6%	-2,4%	2,7%	31,2%	6,4%	-	-	-	-	-
Median	15,3%	-6,0%	-8,1%	10,5%	8,9%	27,6%	-4,2%	-7,3%	9,5%	8,9%	2,2%	0,0%	5,7%	0,3%	9,7%	62,5%	-9,0%	-7,7%	22,8%	6,4%	-	-	-	-	-
Minimum	-18,2%	-21,0%	-14,0%	-13,3%	-42,0%	-17,9%	-20,4%	-47,1%	-16,1%	-42,0%	-46,0%	-33,2%	-35,0%	-23,5%	-16,7%	-20,1%	-18,2%	-42,2%	3,5%	6,4%	-	-	-	-	-
Maximum	46,3%	19,0%	30,3%	40,9%	51,9%	36,9%	18,0%	11,3%	35,0%	56,0%	31,5%	274,1%	351,1%	13,5%	22,4%	125,6%	26,5%	68,3%	75,6%	6,4%	-	-	-	-	-

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

Lowest value — Highest value

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Kosovo is not included in the calculation of summary statistics*

Table 3.3.4 Second instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2024 (Q39)

Beneficiaries	Second instance Other than criminal cases in 2024														
	Total of other than criminal cases (1+2+3)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Albania	69%	2 926	70%	42%	5 496	73%	99%	809	42%	77%	3 276	73%	NAP	NAP	NAP
Bosnia and Herzegovina	109%	200	15%	111%	190	17%	NAP	NAP	NAP	96%	279	0%	NAP	NAP	NAP
Montenegro	80%	317	55%	84%	276	70%	93%	240	75%	48%	907	1%	98%	101	33%
North Macedonia	83%	362	NA	84%	346	NA	NAP	NAP	NAP	72%	502	NA	NAP	NAP	NAP
Serbia	106%	366	34%	106%	381	34%	102%	23	6%	NAP	NAP	NAP	100%	0	-
Kosovo*	65%	623	6%	64%	631	7%	77%	950	11%	73%	402	0%	NAP	NAP	NAP
Average	89%	834	43%	85%	1 338	49%	98%	357	41%	73%	1 241	25%	-	-	-
Median	83%	362	44%	84%	346	52%	99%	240	42%	74%	704	1%	-	-	-
Minimum	69%	200	15%	42%	190	17%	93%	23	6%	48%	279	0%	-	-	-
Maximum	109%	2 926	70%	111%	5 496	73%	102%	809	75%	96%	3 276	73%	-	-	-

Low CR — High CR

Low DT — High DT

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

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Kosovo is not included in the calculation of summary statistics*

Table 3.3.5 Second instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q39)

Beneficiaries	Second instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024															
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative cases			4. Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	NA	NA	NA	NA	NA	NA	16,9	-77,8%	3,6	31,2	-38,5%	2,0	NAP	NAP	NAP
Bosnia and Herzegovina	-9,1	-21,1%	-7,3	-6,7	-24,6%	-7,8	NAP	NAP	NAP	-26,1	6,3%	0,0	NAP	NAP	NAP
Montenegro	-5,1	57,7%	4,0	-3,8	45,5%	9,4	5,0	7,4%	5,4	-20,4	203,8%	1,0	13,0	-3,9%	9,8
North Macedonia	-0,9	37,7%	NA	-1,7	34,3%	NA	NAP	NAP	NAP	2,8	64,2%	NA	NAP	NAP	NAP
Serbia	8,7	9,8%	4,5	9,2	8,4%	4,5	-2,8	17,6%	0,5	NAP	NAP	NAP	0,0	-	-
Kosovo*	NA	NA	NA	-26,48	23,3%	NA	NA	NA	NA	-4,49	66,5%	NA	NAP	NAP	NAP
Average	-1,6	21,0%	0,4	-0,7	15,9%	2,0	6,4	-17,6%	3,2	-3,1	59,0%	1,0	-	-	-
Median	-3,0	23,8%	4,0	-2,8	21,3%	4,5	5,0	7,4%	3,6	-8,8	35,3%	1,0	-	-	-
Minimum	-9,1	-21,1%	-7,3	-6,7	-24,6%	-7,8	-2,8	-77,8%	0,5	-26,1	-38,5%	0,0	-	-	-
Maximum	8,7	57,7%	4,5	9,2	45,5%	9,4	16,9	17,6%	5,4	31,2	203,8%	2,0	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

As of 2024, in **Kosovo**, enforcement cases have been moved from non-litigious to litigious matters.

3.4 Second instance criminal cases

Table 3.4.1. Second instance courts: Number of criminal cases in 2024 (Q40)

Beneficiaries	Second instance Criminal cases in 2024																								
	Total criminal cases (1+2+3)					Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	11 707	8 321	6 427	13 601	7 415	9 680	3 635	2 399	10 916	6 067	8 358	3 525	2 209	9 674	5 424	1 322	110	190	1 242	643	2 027	4 686	4 028	2 685	1 348
Bosnia and Herzegovina	1 497	7 579	7 538	1 538	11	1 398	5 493	5 471	1 420	11	1 050	2 656	2 517	1 189	11	348	2 837	2 954	231	0	99	2 086	2 067	118	0
Montenegro	1 064	3 933	4 043	950	412	1 064	3 933	4 043	950	NA	622	1 836	1 613	843	412	442	2 097	2 430	107	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	2 675	6 909	7 494	2 090	NA	2 675	6 909	7 494	2 090	NA	776	2 810	2 553	1 033	NA	1 899	4 099	4 941	1 057	NA	NAP	NAP	NAP	NAP	NAP
Serbia	5 753	65 339	62 722	8 370	7	5 688	61 402	58 766	8 324	7	1 914	28 919	28 651	2 182	1	3 774	32 483	30 115	6 142	6	65	3 937	3 956	46	0
Kosovo*	1 098	7 734	7 041	1 791	0	1 033	3 719	3 043	1 709	0	980	3 075	2 520	1 535	0	53	644	523	174	0	65	4 015	3 998	82	0
Average	4 539	18 416	17 645	5 310	1 961	4 101	16 274	15 635	4 740	2 028	2 544	7 949	7 509	2 984	1 462	1 557	8 325	8 126	1 756	216	730	3 570	3 350	950	449
Median	2 675	7 579	7 494	2 090	212	2 675	5 493	5 471	2 090	11	1 050	2 810	2 517	1 189	212	1 322	2 837	2 954	1 057	6	99	3 937	3 956	118	0
Minimum	1 064	3 933	4 043	950	7	1 064	3 635	2 399	950	7	622	1 836	1 613	843	1	348	110	190	107	0	65	2 086	2 067	46	0
Maximum	11 707	65 339	62 722	13 601	7 415	9 680	61 402	58 766	10 916	6 067	8 358	28 919	28 651	9 674	5 424	3 774	32 483	30 115	6 142	643	2 027	4 686	4 028	2 685	1 348

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.4.2 Second instance courts: Number of Criminal cases per 100 inhabitants in 2024 (Q40)

Beneficiaries	Second instance Criminal cases per 100 inhabitants in 2024																								
	Total criminal cases (1+2+3)					Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	0,42	0,30	0,23	0,49	0,27	0,35	0,13	0,09	0,40	0,22	0,30	0,13	0,08	0,35	0,20	0,05	0,00	0,01	0,04	0,02	0,07	0,17	0,15	0,10	0,05
Bosnia and Herzegovina	0,04	0,22	0,22	0,04	0,00	0,04	0,16	0,16	0,04	0,00	0,03	0,08	0,07	0,03	0,00	0,01	0,08	0,09	0,01	0,00	0,00	0,06	0,06	0,00	0,00
Montenegro	0,17	0,63	0,65	0,15	0,07	0,17	0,63	0,65	0,15	NA	0,10	0,29	0,26	0,14	0,07	0,07	0,34	0,39	0,02	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	0,15	0,38	0,41	0,11	NA	0,15	0,38	0,41	0,11	NA	0,04	0,15	0,14	0,06	NA	0,10	0,22	0,27	0,06	NA	NAP	NAP	NAP	NAP	NAP
Serbia	0,09	0,99	0,95	0,13	0,00	0,09	0,93	0,89	0,13	0,00	0,03	0,44	0,43	0,03	0,00	0,06	0,49	0,46	0,09	0,00	0,00	0,06	0,06	0,00	0,00
Kosovo*	0,07	0,48	0,44	0,11	0,00	0,06	0,23	0,19	0,11	0,00	0,06	0,19	0,16	0,10	0,00	0,00	0,04	0,03	0,01	0	0,00	0,25	0,25	0,01	0,00
Average	0,17	0,50	0,49	0,19	0,08	0,16	0,45	0,44	0,17	0,07	0,10	0,22	0,20	0,12	0,07	0,06	0,23	0,24	0,04	0,01	0,03	0,10	0,09	0,03	0,02
Median	0,15	0,38	0,41	0,13	0,03	0,15	0,38	0,41	0,13	0,00	0,04	0,15	0,14	0,06	0,03	0,06	0,22	0,27	0,04	0,00	0,00	0,06	0,06	0,00	0,00
Minimum	0,04	0,22	0,22	0,04	0,00	0,04	0,13	0,09	0,04	0,00	0,03	0,08	0,07	0,03	0,00	0,01	0,00	0,01	0,01	0,00	0,00	0,06	0,06	0,00	0,00
Maximum	0,42	0,99	0,95	0,49	0,27	0,35	0,93	0,89	0,40	0,22	0,30	0,44	0,43	0,35	0,20	0,10	0,49	0,46	0,09	0,02	0,07	0,17	0,15	0,10	0,05

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.4.3 Second instance courts: percentage variation in number of criminal cases between 2023 and 2024 (Q40)

Beneficiaries	Second instance Criminal cases: percentage variation between 2023 and 2024																								
	Total criminal cases (1+2+3)					Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	16,8%	28,5%	33,4%	16,4%	29,0%	15,6%	4,6%	10,3%	12,9%	56,8%	18,0%	3,3%	3,0%	15,8%	56,5%	2,5%	80,3%	555,2%	-6,1%	58,8%	22,9%	56,0%	52,4%	33,6%	-28,3%
Bosnia and Herzegovina	23,0%	-0,9%	2,3%	2,7%	450,0%	22,6%	-6,6%	-2,7%	1,6%	450,0%	26,1%	-7,9%	-5,7%	13,2%	450,0%	13,4%	-5,2%	0,0%	-33,6%	0,0%	28,6%	18,0%	18,4%	19,2%	0,0%
Montenegro	23,3%	11,7%	22,6%	-10,7%	NA	23,3%	11,7%	22,6%	-10,7%	NA	30,4%	23,2%	20,0%	35,5%	274,5%	14,5%	3,2%	24,4%	-75,8%	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	2,0%	4,8%	14,6%	-21,9%	NA	2,0%	4,8%	14,6%	-21,9%	NA	-21,7%	11,8%	-6,4%	33,1%	NA	16,4%	0,5%	29,7%	-44,3%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	7,1%	7,2%	3,6%	45,5%	-	6,7%	7,3%	3,3%	46,4%	-	29,8%	3,0%	3,7%	14,1%	-	-2,1%	11,4%	3,0%	62,7%	-	51,2%	6,6%	7,8%	-30,3%	0,0%
Kosovo*	0,0%	14,0%	3,8%	63,1%	NA	-3,2%	23,4%	-0,2%	65,4%	NA	-1,4%	26,8%	3,3%	56,6%	NA	-27,4%	9,3%	-14,1%	228,3%	NA	109,7%	6,5%	7,0%	26,2%	NA
Average	14,4%	10,3%	15,3%	6,4%	239,5%	14,1%	4,4%	9,6%	5,6%	253,4%	16,5%	6,7%	2,9%	22,4%	260,4%	8,9%	18,0%	122,5%	-19,4%	29,4%	34,2%	26,9%	26,2%	7,5%	-9,4%
Median	16,8%	7,2%	14,6%	2,7%	239,5%	15,6%	4,8%	10,3%	1,6%	253,4%	26,1%	3,3%	3,0%	15,8%	274,5%	13,4%	3,2%	24,4%	-33,6%	29,4%	28,6%	18,0%	18,4%	19,2%	0,0%
Minimum	2,0%	-0,9%	2,3%	-21,9%	29,0%	2,0%	-6,6%	-2,7%	-21,9%	56,8%	-21,7%	-7,9%	-6,4%	13,2%	56,5%	-2,1%	-5,2%	0,0%	-75,8%	0,0%	22,9%	6,6%	7,8%	-30,3%	-28,3%
Maximum	23,3%	28,5%	33,4%	45,5%	450,0%	23,3%	11,7%	22,6%	46,4%	450,0%	30,4%	23,2%	20,0%	35,5%	450,0%	16,4%	80,3%	555,2%	62,7%	58,8%	51,2%	56,0%	52,4%	33,6%	0,0%

Lowest value — Highest value

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.4.4 Second instance criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2024 (Q40)

Beneficiaries	Second instance Criminal cases in 2024														
	Total criminal cases (1+2+3)			Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate (%)	Disposition Time (in days)	% of pending cases older than 2 years
Albania	77%	772	55%	66%	1 661	56%	63%	1 598	56%	173%	2 386	52%	86%	243	50%
Bosnia and Herzegovina	99%	74	1%	100%	95	1%	95%	172	1%	104%	29	0%	99%	21	0%
Montenegro	103%	86	43%	103%	86	NA	88%	191	49%	116%	16	NA	NAP	NAP	NAP
North Macedonia	108%	102	NA	108%	102	NA	91%	148	NA	121%	78	NA	NAP	NAP	NAP
Serbia	96%	49	0%	96%	52	0%	99%	28	0%	93%	74	0%	100%	4	0%
Kosovo*	91%	93	0%	82%	205	0%	82%	222	0%	81%	121	0%	100%	749%	0%
Average	97%	217	25%	95%	399	19%	87%	427	26%	121%	517	17%	95%	89	17%
Median	99%	86	22%	100%	95	1%	91%	172	25%	116%	74	0%	99%	21	0%
Minimum	77%	49	0%	66%	52	0%	63%	28	0%	93%	16	0%	86%	4	0%
Maximum	108%	772	55%	108%	1661	56%	99%	1598	56%	173%	2386	52%	100%	243	50%

Low CR — High CR

Low DT — High DT

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.4.5 Second instance criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2023 and 2024 (Q38)

Beneficiaries	Second instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2023 and 2024														
	Total criminal cases (1+2+3)			Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	2,9	-12,7%	5,3	3,4	2,3%	15,6	-0,2	12,5%	14,6	125,2	-85,7%	21,1	-2,1	-12,3%	-43,4
Bosnia and Herzegovina	3,1	0,4%	0,6	4,0	4,4%	0,6	2,3	20,0%	0,7	5,5	-33,6%	0,0	0,3	0,7%	0,0
Montenegro	9,2	-27,2%	NA	9,2	-27,2%	NA	-2,3	12,9%	31,2	19,7	-80,5%	NA	NAP	NAP	NAP
North Macedonia	9,3	-31,8%	NA	9,3	-31,8%	NA	-17,7	42,3%	NA	27,1	-57,1%	NA	NAP	NAP	NAP
Serbia	-3,4	40,5%	0,1	-3,7	41,7%	0,1	0,6	10,0%	0,0	-7,6	58,1%	0,1	1,1	-35,3%	0,0
Kosovo*	-8,96	57,2%	NA				-18,63	51,6%	NA	-22,18	282,3%	NA	0,48	17,9%	NA
Average	4,2	-6%	2,0	4,4	0,0	5,4	-3,5	20%	11,6	34,0	-40%	7,1	-0,2	-16%	-14,5
Median	3,1	-13%	0,6	4,0	0,0	0,6	-0,2	13%	7,7	19,7	-57%	0,1	0,3	-12%	0,0
Minimum	-3,4	-32%	0,1	-3,7	-0,3	0,1	-17,7	10%	0,0	-7,6	-86%	0,0	-2,1	-35%	-43,4
Maximum	9,3	40%	5,3	9,3	0,4	15,6	2,3	42%	31,2	125,2	58%	21,1	1,1	1%	0,0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2024 (Q41)

Beneficiaries	Civil and commercial litigious cases						Litigious divorce cases					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	648	6 805	NA	NA	NA	NA	220	1 992	NA	NA	NA
Bosnia and Herzegovina	20%	513	331	120	459	27%	8%	185	170	103	183	0%
Montenegro	37%	391	73	0	168	0%	6%	166	49	0	352	NA
North Macedonia	30%	183	216	381	NA	NA	11%	153	76	310	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	29%	434	1 856	167	-	-	8%	181	572	138	-	-
Median	30%	452	274	120	-	-	8%	176	123	103	-	-
Minimum	20%	183	73	0	-	-	6%	153	49	0	-	-
Maximum	37%	648	6 805	381	-	-	11%	220	1 992	310	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2024 (Q41)

Beneficiaries	Employment dismissal cases						Insolvency cases					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	NA	NA	NA	NA	NA	NA	1 314	4 745	NA	NA	NA
Bosnia and Herzegovina	68%	525	692	123	548	10%	10%	538	NAP	43	485	31%
Montenegro	56%	319	79	0	NA	NA	6%	242	15	0	243	1%
North Macedonia	36%	267	187	299	NA	NA	1%	315	76	91	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	780	41	NA	NA	66%
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	53%	370	319	141	-	-	6%	638	1 219	45	-	33%
Median	56%	319	187	123	-	-	6%	538	59	43	-	31%
Minimum	36%	267	79	0	-	-	1%	242	15	0	-	1%
Maximum	68%	525	692	299	-	-	10%	1 314	4 745	91	-	66%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2024 (Q41)

Beneficiaries	Robbery case						Intentional homicide					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	256	4 550	NA	NA	NA	NA	338	636	NA	NA	NA
Bosnia and Herzegovina	43%	492	204	0	413	20%	46%	307	354	747	329	16%
Montenegro	81%	364	99	0	394	0%	80%	626	117	0	671	NA
North Macedonia	35%	304	110	63	NA	NA	76%	272	100	75	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	53%	354	1 241	21	-	-	67%	386	302	274	-	-
Median	43%	334	157	0	-	-	76%	323	236	75	-	-
Minimum	35%	256	99	0	-	-	46%	272	100	0	-	-
Maximum	81%	492	4 550	63	-	-	80%	626	636	747	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2024 (Q41)

Beneficiaries	Bribery cases						Trading in influence					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	169	59	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	42%	294	171	0	269	16%	43%	379	116	0	259	14%
Montenegro	22%	213	106	0	233	0%	0%	178	0	0	178	0%
North Macedonia	93%	420	67	62	NA	NA	NA	NA	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	52%	274	101	21	-	-	-	-	-	-	-	-
Median	42%	254	87	0	-	-	-	-	-	-	-	-
Minimum	22%	169	59	0	-	-	-	-	-	-	-	-
Maximum	93%	420	171	62	-	-	-	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.5.5 Civil and commercial litigious cases and Litigious divorce cases: Variations between 2023 and 2024 (Q41)

Beneficiaries	Civil and commercial litigious cases: variations between 2023 and 2024						Litigious divorce cases: variations between 2023 and 2024					
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-1,0	5,1%	-21,7%	-7,7%	-1,1%	0,00	0,0	-1,6%	5,6%	-7,2%	-1,6%	0,00
Montenegro	1,0	9,5%	-7,6%	NA	-54,5%	-11,00	0,0	6,4%	32,4%	NA	122,8%	NA
North Macedonia	-6,0	-2,7%	-5,7%	19,4%	NA	NA	-1,9	4,1%	33,3%	50,5%	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-2,00	4,0%	-11,7%	-	-	-	-0,64	3,0%	23,8%	-	-	-
Median	-1,00	5,1%	-7,6%	-	-	-	0,00	4,1%	32,4%	-	-	-
Minimum	-5,99	-2,7%	-21,7%	-	-	-	-1,92	-1,6%	5,6%	-	-	-
Maximum	1,00	9,5%	-5,7%	-	-	-	0,00	6,4%	33,3%	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.5.6 Employment dismissal cases and Insolvency cases: Variations between 2023 and 2024 (Q41)

Beneficiaries	Employment dismissal cases: variations between 2023 and 2024						Insolvency cases: variations between 2023 and 2024					
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	9,0	6,3%	10,4%	-6,8%	11,4%	-2,0	-5,0	0,0%	NA	22,9%	2,5%	-2,0
Montenegro	-35,0	0,0%	-3,7%	NA	NA	NA	-15,0	-1,2%	150,0%	-100,0%	-0,8%	-20,0
North Macedonia	-4,0	16,6%	40,6%	-11,0%	NA	NA	-3,0	74,0%	4,1%	26,4%	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	15,2%	-21,2%	NA	NA	4,1
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-10,0	7,6%	15,8%	-	-	-	-7,7	22,0%	44,3%	-16,9%	-	-6,0
Median	-4,0	6,3%	10,4%	-	-	-	-5,0	7,6%	4,1%	22,9%	-	-2,0
Minimum	-35,0	0,0%	-3,7%	-	-	-	-15,0	-1,2%	-21,2%	-100,0%	-	-20,0
Maximum	9,0	16,6%	40,6%	-	-	-	-3,0	74,0%	150,0%	26,4%	-	4,1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.5.7 Robbery cases and Intentional homicide cases: Variations between 2023 and 2024 (Q41)

Beneficiaries	Robbery case: variations between 2023 and 2024						Intentional homicide: variations between 2023 and 2024					
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-3,0	47,7%	22,2%	-100,0%	48,0%	-3,0	-2,0	-28,9%	30,1%	NA	-13%	-2,0
Montenegro	8,7	-8,1%	54,7%	NA	-4,8%	-9,0	0,0	-15,1%	41,0%	-100,0%	-14%	NA
North Macedonia	-7,0	19,2%	0,9%	-18,2%	NA	NA	-5,0	24,2%	-18,7%	8,7%	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-0,4	19,6%	25,9%	-	-	-	-2,3	-6,6%	17,5%	-	-	-
Median	-3,0	19,2%	22,2%	-	-	-	-2,0	-15,1%	30,1%	-	-	-
Minimum	-7,0	-8,1%	0,9%	-	-	-	-5,0	-28,9%	-18,7%	-	-	-
Maximum	8,7	47,7%	54,7%	-	-	-	0,0	24,2%	41,0%	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 3.5.8 Bribery and Trading in influence cases: Variations between 2023 and 2024 (Q41)

Beneficiaries	Bribery cases: variations between 2023 and 2024						Trading in influence: variations between 2023 and 2024					
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (%)	Variation of Average length in 2nd instance (%)	Variation of Average length in 3rd instance (%)	Variation of Average length of the entire procedure (%)	Variation of percentange of cases pending for more than 3 years for all instances (percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-25,0	-16,7%	151,5%	NA	12,1%	31,0	-24,0	64%	17%	NA	41%	1,0
Montenegro	-78,0	-25,0%	158,5%	NA	-22,8%	-22,0	0,0	7%	NA	NA	7%	0,0
North Macedonia	0,0	141,4%	-64,9%	NA	NA	NA	NA	NA	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-34,3	33,2%	81,7%	-	-	-	-	-	-	-	-	-
Median	-25,0	-16,7%	151,5%	-	-	-	-	-	-	-	-	-
Minimum	-78,0	-25,0%	-64,9%	-	-	-	-	-	-	-	-	-
Maximum	0,0	141,4%	158,5%	-	-	-	-	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

3.6 Public prosecution

Table 3.6.1 Role and powers of the public prosecutor in the criminal procedure in 2024 (Q41-1)

Beneficiaries	Role and powers of the public prosecutor in the criminal procedure in 2024									
	To conduct or supervise investigation	When necessary, to request investigation measures from the judge	To charge	To present the case in the court	To propose a sentence to the judge	To appeal	To supervise the enforcement procedure	To discontinue a case without needing a decision by a judge	To end the case by imposing or negotiating a penalty or measure	Other significant powers
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*										

Yes
No
NA

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.6.2 Role of the public prosecutor in civil, administrative and insolvency cases in 2024 (Q41-2)

Beneficiaries	Role of the public prosecutor in civil, administrative and insolvency cases in 2024		
	Civil cases	Administrative cases	Insolvency cases
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.6.3 Public prosecution: Caseflow in 2024 (Q41-3, Q41-5)

Beneficiaries	Public prosecution: Total number of first instance criminal cases in 2024											
	1. Pending cases on 1 Jan.	2. Incoming/ received cases	3. Processed cases (3.1+3.2+3.3)	3.1. Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4)	*3.1.1 Discontinued by the public prosecutor because the offender could not be identified*	*3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation*	*3.1.3 Discontinued by the public prosecutor for reasons of opportunity*	*3.1.4 Discontinued for other reasons*	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases brought to court	4. Pending cases on 31 Dec.	Figures provided include traffic offence cases
Albania	21 011	24 956	NA	NA	6 617	13 590	NAP	NA	NAP	9 030	22 400	
Bosnia and Herzegovina	145 513	41 642	34 994	24 839	NA	NA	NA	NA	25	10 130	152 161	
Montenegro	10 595	14 209	14 028	9 349	NAP	3 190	NAP	6 159	657	4 022	10 776	
North Macedonia	11 346	25 909	21 879	10 913	NAP	9 265	1 648	4 127	263	10 703	11 249	
Serbia	91 263	77 039	73 725	41 665	NAP	24 708	12 734	4 223	3 202	32 060	94 577	
Kosovo*	11 311	22 085	20 993	NA	4 184	NAP	NA	NA	NA	NA	12 403	No
Average	55 946	36 751	36 157	21 692	-	12 688	-	4 836	1 037	13 189	58 233	
Median	21 011	25 909	28 437	17 876	-	11 428	-	4 223	460	10 130	22 400	
Minimum	10 595	14 209	14 028	9 349	-	3 190	-	4 127	25	4 022	10 776	0
Maximum	145 513	77 039	73 725	41 665	-	24 708	-	6 159	3 202	32 060	152 161	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes
No
NA

Montenegro, **North Macedonia** and **Serbia**: the data refer to the number of perpetrators and not to the number of cases.

Serbia: only cases involving known perpetrators are reported; cases involving minors are excluded.

Albania: cases discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation are not counted in the incoming cases.

Table 3.6.4 Public prosecution: Caseflow (per 100 inhabitants) in 2024 (Q41-3)

Beneficiaries	Public prosecution: Total number of first instance criminal cases per 100 inhabitants in 2024										
	1. Pending cases on 1 Jan.	2. Incoming/ received cases	3. Processed cases (3.1+3.2+3.3)	3.1. Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4)	*3.1.1 Discontinued by the public prosecutor because the offender could not be identified*	*3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation*	*3.1.3 Discontinued by the public prosecutor for reasons of opportunity*	*3.1.4 Discontinued for other reasons*	3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	3.3. Cases brought to court	4. Pending cases on 31 Dec.
Albania	0,8	0,9	NA	NA	0,2	0,5	NAP	NA	NAP	0,3	0,8
Bosnia and Herzegovina	4,3	1,2	1,0	0,7	NA	NA	NA	NA	0,0	0,3	4,4
Montenegro	1,7	2,3	2,2	1,5	NAP	0,5	NAP	1,0	0,1	0,6	1,7
North Macedonia	0,6	1,4	1,2	0,6	NAP	0,5	0,1	0,2	0,0	0,6	0,6
Serbia	1,4	1,2	1,1	0,6	NAP	0,4	0,2	0,1	0,0	0,5	1,4
Kosovo*	0,7	1,4	1,3	NA	0,3	NAP	NA	NA	NA	NA	0,8
Average	1,7	1,4	1,4	0,9	-	0,5	-	0,4	0,0	0,5	1,8
Median	1,4	1,2	1,2	0,7	-	0,5	-	0,2	0,0	0,5	1,4
Minimum	0,6	0,9	1,0	0,6	-	0,4	-	0,1	0,0	0,3	0,6
Maximum	4,3	2,3	2,2	1,5	-	0,5	-	1,0	0,1	0,6	4,4

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Montenegro, **North Macedonia** and **Serbia**: the data refer to the number of perpetrators and not to the number of cases.

Serbia: only cases involving known perpetrators are reported; cases involving minors are excluded.

Albania: cases discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation are not counted in the incoming cases.

Table 3.6.5 Public prosecution: Distribution of different categories of processed cases within all processed cases in 2024 (Q41-3)

Beneficiaries	Public prosecution: Distribution of different categories of processed cases within all processed cases in 2024 (see table 3.6.3)						
	% of discontinued cases within all processed cases	*% of discontinued cases because the offender could not be identified within all discontinued cases*	*% of discontinued cases due to the lack of an established offence or a specific legal situation within all discontinued cases*	*% of discontinued cases for reasons of opportunity within all discontinued cases*	*% of discontinued cases for other reasons within all discontinued cases*	% of concluded cases by a penalty or a measure imposed or negotiated by the public prosecutor within all processed cases	% of cases brought to court within all processed cases
Albania	NA	NA	NA	NAP	NA	NAP	NA
Bosnia and Herzegovina	71%	NA	NA	NA	NA	0%	29%
Montenegro	67%	NAP	34%	NAP	66%	5%	29%
North Macedonia	50%	NAP	85%	15%	38%	1%	49%
Serbia	57%	NAP	59%	31%	10%	4%	43%
Kosovo*	NA	NA	NAP	NA	NA	NA	NA
Average	61,0%	-	59,4%	-	37,9%	2,6%	37,5%
Median	61,6%	-	59,3%	-	37,8%	2,8%	36,2%
Minimum	49,9%	-	34,1%	-	10,1%	0,1%	28,7%
Maximum	71,0%	-	84,9%	-	65,9%	4,7%	48,9%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Montenegro, **North Macedonia** and **Serbia**: the data refer to the number of perpetrators and not to the number of cases.

Serbia: only cases involving known perpetrators are reported; cases involving minors are excluded.

Albania: cases discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation are not counted in the incoming cases.

Table 3.6.6 Number of cases concluded with the guilty plea procedure in 2024 (Q41-4)

Beneficiaries	Number of cases concluded with the guilty plea procedure in 2024								
	Total			Before the main trial			During the main trial		
	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Albania	183	NAP	NAP	183	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	786	786	NAP	160	160	NAP	626	626	NAP
Montenegro	93	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	263	263	NAP	263	263	NAP	NAP	NAP	NAP
Serbia	3 202	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Kosovo*	495	NA	NA	NA	NA	NA	NA	NA	NA
Average	905	-	-	202	-	-	-	-	-
Median	263	-	-	183	-	-	-	-	-
Minimum	93	-	-	160	-	-	-	-	-
Maximum	3 202	-	-	263	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

3.7 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2024 (Q42 and Q43)

Beneficiaries	Quality standards determined for the judicial system at the national level	Specialised personnel entrusted with the implementation of these standards	
		Within the courts	Within the public prosecution services
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes	
No	
NA	
NAP	

Table 3.7.2 Regular monitoring of courts' activities (performance and quality) at the court's level in 2024 (Q58)

Beneficiaries	Regular monitoring of courts' activities (performance and quality) at the court's level concerning:													
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction of users (regarding the services delivered by the courts)	Costs of the judicial procedures	Number of appeals	Appeal ratio	Clearance rate	Disposition time	Other
Albania	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality) at the public prosecution service's level in 2024 (Q59)

Beneficiaries	Regular monitoring of public prosecution activities (performance and quality) at the public prosecution service's level concerning:												
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of prosecutors and prosecution staff	Satisfaction of prosecution staff	Satisfaction of users (regarding the services delivered by the public prosecution)	Costs of the judicial procedures	Clearance rate	Disposition time	Percentage of convictions and acquittals	Other
Albania													
Bosnia and Herzegovina													
Montenegro													
North Macedonia													
Serbia													
Kosovo*													

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.7.4 Evaluation of the performance at court level in 2024 (Q48, Q49, Q50,Q51 and Q56)

Beneficiaries	Existence of a system to regularly evaluate court performance based on the monitored indicators	Frequency of the performance evaluation			Evaluation of the court activity used for the later allocation of resources within a court	Action taken for the allocation of resources within the court following the evaluation of the court activity				Body/authority responsible for evaluating the performance of the courts					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance (treatment))	Reengineering of internal procedures to increase efficiency (treatment)	Other	Judicial Council	Ministry of justice	Inspection authority	Supreme court	External audit body	Other
Albania															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.7.5 Evaluation of performance at public prosecution services level in 2024 (Q52, Q53, Q54, Q55 and Q57)

Beneficiaries	Existence of a system to regularly evaluate the performance of the public prosecution services based on the monitored indicators	Frequency of the performance evaluation			Evaluation of the public prosecution services' activity used for the later allocation of resources within a public prosecution service	Action taken for the allocation of resources following the evaluation of the public prosecution services actvity				Body/authority responsible for evaluating the performance of the public prosecution services					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance (treatment))	Reengineering of internal procedures to increase efficiency (treatment)	Other	Public prosecutorial Council	Ministry of Justice	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	External audit body	Other
Albania															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2024 (Q60 and Q61)

Beneficiaries	Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs)			Monitoring the waiting time during judicial proceedings	
	Civil cases	Criminal cases	Administrative cases	Within the courts	Within the public prosecution services
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases in 2024 (Q61-1)

Beneficiaries	Possibility for courts and lawyers to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions, ect.)	
	Agreement on general arrangements	Agreement in specific cases
Albania		
Bosnia and Herzegovina		
Montenegro		
North Macedonia		
Serbia		
Kosovo*		

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes	
No	
NA	
NAP	

Table 3.7.8 Information regarding courts' activity in 2024 (Q62, Q63, Q66, Q67, Q68)

Beneficiaries	Centralised institution responsible for collecting statistical data regarding the functioning of the courts		Publication of statistics on the functioning of each court by this institution			Individual courts required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Albania		High Judicial Council, Address: “Justice Hub” Building, ‘Ana Komnena’ Street, Tirana										
Bosnia and Herzegovina		High Judicial and Prosecutorial Council										
Montenegro		Secretariat of the Judicial Council, Miljana Vukova bb Podgorica										
North Macedonia		Judicial Council of the Republic of North Macedonia										
Serbia		Supreme court										
Kosovo*		Kosovo Judicial Council										

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.7.9 Information regarding public prosecution services' activity in 2024 (Q64, Q65, Q69, Q70 and Q71)

Beneficiaries	Centralised institution responsible for collecting statistical data regarding the functioning of the public prosecution services		Publication of statistics on the functioning of each public prosecution service by this instititution			Public prosecution services required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please, indicate the periodicity at which the report is released:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Albania		General Prosecution Office, St.Qemal Stafa No.1 Tirana, Albania, www.pp.gov.al)										
Bosnia and Herzegovina		High Judicial and Prosecutorial Council										
Montenegro		Secretariat of the Prosecutorial Council, st.Novaka Miloševa 46/1 81000 PG										
North Macedonia		Public Prosecution Office of the Republic of North Macedonia										
Serbia		Supreme Public Prosecutor's Office, Nemanjina Street No. 22-26										
Kosovo*		Kosovo Prosecutorial Council										

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.7.10 Quantitative performance targets defined for each judges in 2024 (Q74, Q75 and Q75-1)

Beneficiaries	Existence of quantitative performance targets defined for each judge	Body responsible for setting the individual targets for each judge					Consequences for a judge if quantitative targets are not met										
							Without disciplinary procedure					With disciplinary procedure					No consequences
		Executive power	Legislative power	Judicial power	President of the court	Other	Warning by court's president	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please speficy:	Warning by court's president	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please speficy:	
Albania											-					-	
Bosnia and Herzegovina											-					-	
Montenegro											-					can also lead to dismissal since if the target is not met that constitutes severe disciplinary offence, which can after disciplinary proceedings result with removal from office.	
North Macedonia											-					defined disciplinary measures in the Law on Courts	
Serbia											The work of the judge, i.e. the president of the court, is evaluated with: "excellently performs the judicial function", "successfully performs the judicial function", "satisfactorily performs the judicial function", "unsatisfactorily performs the judicial function". The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court. The decision on the evaluation represents the basis for the election and compulsory training of the judge, i.e. the president of the court.					-	
Kosovo*											-					-	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Table 3.7.11 System of Individual evaluation of judges' work in 2024 (Q76, Q76-1 and Q77)

Beneficiaries	Existence of a system of Individual evaluation of judges' work		Body responsible for setting the criteria for qualitative assessment of the judges' work					Frequency of this assessment			
	Quantitative	Qualitative	Executive power	Legislative power	Judicial power	President of the court	Other	Annual	Less frequent	More frequent	Different frequencies used
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Table 3.7.12 Quantitative performance defined for each public prosecutor in 2024 (Q78, Q79 and Q79-1)

Beneficiaries	Existence of quantitative performance targets defined for each public prosecutor	Body responsible for setting the individual targets for each public prosecutor					Consequences for a prosecutor if quantitative targets are not met										
							Without disciplinary procedure					With disciplinary procedure					No consequences
		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Warning by head of prosecution	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please speficy:	Warning by head of prosecution	Temporary salary reduction	Reflected in the individual assessment	Other	If other, please speficy:	
Albania											NAP					NAP	
Bosnia and Herzegovina											NAP					NAP	
Montenegro											NAP					can also lead to dismissal since if the target is not met that constitutes severe disciplinary offence, which can after disciplinary proceedings result with removal from office.	
North Macedonia											NAP					NAP	
Serbia											Evaluation of work is expressed by a grade. The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function". The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor. The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.					NAP	
Kosovo*											-					-	

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.7.13 System of Individual evaluation of public prosecutors in 2024 (Q80, Q80-1 and Q81)

Beneficiaries	Existence of a system of qualitative individual assessment of the public prosecutors' work		Body responsible for setting the criteria for qualitative assessment of the public prosecutors' work					Frequency of this assessment			
	Quantitative	Qualitative	Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Annual	Less frequent	More frequent	Different frequencies used
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

3.8 Information and Communication Technology Tools

Table 3.8.1 IT Strategy and Case management system in 2024 (Q82-0, Q82, Q82-1-0, Q82-1 and Q82-2)

Beneficiaries	Existence of an IT strategy for the judiciary	Existence of a Case Management System (CSM)	Number of CMSs, in cases there exist more than one	Development of the running CMS or major redevelopment					Plans for a significant change in the present IT system in the judiciary in the next year
				In the last 2 years	Between 2 and 5 years	Between 5 and 10 years	More than 10 years	Other	
Albania			2						
Bosnia and Herzegovina			3						
Montenegro			NAP						
North Macedonia			NAP						
Serbia			3						
Kosovo*			NAP						

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 3.8.2 Case management system - Deployment and usage rates in 2024 (Q83)

Beneficiaries	Case management system - Deployment and usage rates					
	Civil and commercial		Administrative		Criminal	
	Deployment rate	Usage rate	Deployment rate	Usage rate	Deployment rate	Usage rate
Albania	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Bosnia and Herzegovina	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Montenegro	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
North Macedonia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Serbia	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Kosovo*	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
95-100 %	5	5	5	5	5	5
75-95 %	0	0	0	0	0	0
50-75 %	0	0	0	0	0	0
25-50 %	0	0	0	0	0	0
1-25 %	0	0	0	0	0	0
0%	0	0	0	0	0	0
NAP	0	0	0	0	0	0
NA	0	0	0	0	0	0

Table 3.8.3 Case management system - Functionalities in 2024 (Q83-1 and Q83-2)

| Beneficiaries | Case management system - Functionalities | | |

Table 3.8.4 Database of court decisions - Deployment rates in 2024 (Q84)

Beneficiaries	Database of court decisions - Deployment rates								
	Civil and commercial			Administrative			Criminal		
	1st instance	2nd instance	Supreme court	1st instance	2nd instance	Supreme court	1st instance	2nd instance	Supreme court
Albania	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
Bosnia and Herzegovina	1-25 %	1-25 %	1-25 %	1-25 %	1-25 %	1-25 %	1-25 %	1-25 %	1-25 %
Montenegro	50-75 %	50-75 %	50-75 %	75-95 %	75-95 %	75-95 %	75-95 %	75-95 %	75-95 %
North Macedonia	95-100 %	95-100 %	95-100 %	75-95 %	75-95 %	95-100 %	75-95 %	75-95 %	95-100 %
Serbia	NAP	1-25 %	1-25 %	1-25 %	1-25 %	1-25 %	0%	1-25 %	1-25 %
Kosovo*	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %	95-100 %
95-100 %	2	2	2	1	1	2	1	1	2
75-95 %	0	0	0	2	2	1	2	2	1
50-75 %	1	1	1	0	0	0	0	0	0
25-50 %	0	0	0	0	0	0	0	0	0
1-25 %	1	2	2	2	2	2	1	2	2
0%	0	0	0	0	0	0	1	0	0
NAP	1	0	0	0	0	0	0	0	0
NA	0	0	0	0	0	0	0	0	0

Table 3.8.5 Database of court decisions - Modalities of publication in 2024 (Q84-1)

Beneficiaries	Database of court decisions - Modalities of publication																										
	Civil and commercial									Administrative									Criminal								
	1st instance			2nd instance			Supreme court			1st instance			2nd instance			Supreme court			1st instance			2nd instance			Supreme court		
	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other	Published online (public website)	Published in internal database	Other
Albania																											
Bosnia and Herzegovina																											
Montenegro																											
North Macedonia																											
Serbia																											
Kosovo*																											
Nb of Yes	4	0	0	5	1	0	5	1	0	5	1	0	5	1	0	5	1	0	5	1	0	5	1	0	5	1	0

Yes
No
NA
NAP

Table 3.8.6 Database of court decisions - Functionalities in 2024 (Q84-2)

Beneficiaries	Database of court decisions - Functionalities																																			
	Civil and commercial												Administrative												Criminal											
	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Albania																																				
Bosnia and Herzegovina																																				
Montenegro																																				
North Macedonia																																				
Serbia																																				
Kosovo*																																				
Nb of Yes	2	4	5	2	1	3	1	3	4	0	1	2	4	5	2	1	2	1	3	4	0	1	2	4	5	2	1	2	1	3	4	0	1			

Yes
No
NA
NAP

Table 3.8.7 Statistical tools - Deployment rates in 2024 (Q85)

Beneficiaries	Statistical tools - Deployment rates		
	Deployment rate		
	Civil and commercial	Administrative	Criminal
Albania	NAP	NAP	NAP
Bosnia and Herzegovina	95-100 %	95-100 %	95-100 %
Montenegro	75-95 %	95-100 %	95-100 %
North Macedonia	95-100 %	95-100 %	95-100 %
Serbia	95-100 %	95-100 %	95-100 %
Kosovo*	95-100 %	95-100 %	95-100 %
95-100 %	3	4	4
75-95 %	1	0	0
50-75 %	0	0	0
25-50 %	0	0	0
1-25 %	0	0	0
0%	0	0	0
NAP	1	1	1
NA	0	0	0

Table 3.8.8 Statistical tools - Functionalities in 2024 (Q85-1)

Beneficiaries	Statistical tools - Functionalities																										
	Civil and commercial									Administrative									Criminal								
	Table 3.8.8 Statistical tools - Functionalities (Q85)	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality
Albania																											
Bosnia and Herzegovina																											
Montenegro																											
North Macedonia																											
Serbia																											
Kosovo*																											
Nb of Yes	**4**	**2**	**4**	**4**	**2**	**0**	**3**	**1**	**0**	**4**	**2**	**4**	**4**	**3**	**0**	**4**	**1**	**0**	**4**	**2**	**4**	**4**	**2**	**0**	**3**	**1**	**0**

Yes
No
NA
NAP

Table 3.8.9 Statistical tools - Data available for statistical analysis in 2024 (Q85-1)

Beneficiaries	Statistical tools - Data available for statistical analysis																									
	Civil and commercial									Administrative									Criminal							
	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Albania																										
Bosnia and Herzegovina																										
Montenegro																										
North Macedonia																										
Serbia																										
Kosovo*																										
Nb of Yes	4	2	2	2	3	0	2	2	2	4	3	3	3	4	0	3	2	2	4	2	2	2	3	0	2	2	2

Yes
No
NA
NAP

Indicator 3 - Efficiency and productivity

by country

Question 35. First instance courts: number of other than criminal law cases.
Question 36. If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:
Question 37. Please indicate the case categories included in the category "other cases":
Question 38. First instance courts: number of criminal law cases.
Question 39. Second instance courts (appeal): Number of "other than criminal law" cases.
Question 40. Second instance courts (appeal): Number of criminal law cases.
Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.
Question 41-1. Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):
Question 41-2. Does the public prosecutor also have a role in:
Question 41-3. Public prosecutors: Total number of 1st instance criminal cases.
Question 41-4. If the guilty plea procedure exists, how many cases were concluded by this procedure?
Question 41-5. Do the figures provided in Q41-3 include traffic offence cases?
Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?
Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?
Question 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?
Question 49. If yes, please specify the frequency:
Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?
Question 51. If yes, which courses of action are taken (multiple replies possible)?
Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 59?
Question 53. If yes, please specify the frequency:
Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?
Question 55. If yes, which courses of action are taken (multiple replies possible)?
Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):
Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):
Question 58. Do you regularly monitor court activities (performance and quality) concerning:
Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:
Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:
Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.)?
Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?
Question 63. Are the statistics on the functioning of each court published:
Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?
Question 65. Are the statistics on the functioning of each public prosecution service published?
Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?
Question 67. If yes, please specify in which form this report is released:
Question 68. If yes, please, indicate the periodicity at which the report is released:
Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?
Question 70. If yes, please specify in which form this report is released:
Question 71. If yes, please, indicate the periodicity at which the report is released:
Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?
Question 75. Who is responsible for setting these targets for each judge?
Question 75-1. What are the consequences for a judge if these targets are not met?
Question 76. Is there a system of individual evaluation of the judges' work?
Question 76-1. Who is responsible for setting the criteria for the evaluation of the judges' work?
Question 77. Please specify the frequency of this evaluation:
Question 78. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?
Question 79. Who is responsible for setting these targets for each public prosecutor?
Question 79-1. What are the consequences for a prosecutor if these targets are not met?
Question 80. Is there a system of individual evaluation of the public prosecutors' work?
Question 80-1. Who is responsible for setting the criteria for the evaluation of the public prosecutors' work?
Question 81. Please specify the frequency of this evaluation:
Question 82-0. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)
Question 82. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?
Question 82-1. In case there is more than one CMS, how many are they? Please specify and explain.
Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)
Question 82-1-0. When was the running CMS developed (or in case of major redevelopment when it was redesigned)?
Question 83. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?
Question 083-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:
Question 083-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 84. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.
Question 084-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:
Question 084-2. If there is a database of court decisions at national level, what are the functionalities of this database?
Question 85. If there are statistical tools for analysing court case data, what is their deployment rate?
Question 085-1. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

Albania
Q038 (2024): 3.Other criminal cases "Administrative criminal cases" and "Anti-mafia law cases". From the data reflected here, anti-mafia law cases are 11 pending on January 1, 2024, 54 new cases, 49 adjudicated, 16 awaiting adjudicatory on December 31, 2024; 3 older than two years. The rest are administrative criminal cases.
Q038 (2023): Based on the table of statistics collected from the reporting of the courts "other cases" refers to "administrative criminal cases".
Q038 (2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.
The number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.
Q038 (2021): Criminal requirements of the preliminary investigation phase; Criminal cases of the preliminary hearing; Criminal requirements of the execution phase; Security measures; parole; Extradition
Q038 (2020): Variations from the previous cycle remain unexplained
Q039 (2023): The increase in the number of administrative resolved cases In 2023, the number of judges effectively in office is 8.3 judges marking an increase of 49% but again far from the full number of the corps of 13 judges. Also, the number of non-judge staff increased by 46% during 2023, reaching in 67 non-judge support staff.

Q039 (2022): The decrease in the number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.
As regards administrative cases, during 2022 the Administrative Appeal Court has functioned with 43% of judges.

Q040 (2024): 3. Other criminal cases "Administrative criminal cases" and "Anti-mafia law cases". From the data reflected here, anti-mafia law cases are 1 pending trial on January 1, 2024, 18 new cases, 19 adjudicated, 0 pending trial on December 31, 2024; there are no anti-mafia law cases older than two years. The rest are administrative criminal cases.

Q040 (2023): Based on the table of statistics collected from the reporting of the courts "other cases" refers to "administrative criminal cases".
Q040 (2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.
Long disposition time is due to the lack of judges and uneven distribution of workload.
Q040 (2020): A decrease in the number of resolved criminal cases (-45%) remains unexplained
Q041 (2023): NA

Q041 (2022): In the present condition of the CMS system, we cannot calculate the exact average length of proceedings. We use the disposition time as a proxy.
Q041-1 (2024): To discontinue a case without needing a decision by a judge: Only for misdemeanors, in accordance with the article 328 of CPC.
Q041-3 (2024): 2. Incoming/received cases- Proocedings registered for the year 2024.
3.1.1 -In albanian legislation this figure refers to suspension of investigation Art. 326 of Criminal Procedure Code Suspension of the investigation
“1. In case the defendant is unknown, or when the defendant suffers from a serious illness which prevents further investigations, the prosecutor shall decide the suspension of investigations....”
3.1.2- In albania legislation the legal defition in this table, refers to non initiation of investigation by the prosecutor, Art. 290 of the Albanian CPC. “Criminal proceedings shall not commence when:
A the person has died;
B the person has no criminal responsibility or has not reached the criminal liability age;
C the complaint of the victim is lacking or he/she withdraws the complaint;
Ç the act is not provided by law as a criminal offence or when it is clearly proven that the act does not exist;
D the criminal offence has been extinct;
Dh an amnesty has been issued;
E in all other cases provided for by the law.”
Following the clarification provided by the General Prosecutor's Office of Albania, it is important to note that the data reported under 3.1.2 ("Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation") do not represent criminal proceedings that were initiated and later discontinued. According to Article 290 of the Albanian Criminal Procedure Code, the figures reported under 3.1.2 refer to criminal complaints or referrals for which a decision was made not to initiate proceedings, and that were therefore never registered as official cases.
Furthermore, these cases are not included under "incoming cases" in the questionnaire, as they do not enter the official procedural flow. This methodological difference explains the apparent inconsistency in the data, as these complaints are not aligned with the CEPEJ definition of "discontinued cases".
Q041-4 (2024): Article 406/d of the Criminal Procedure Code;
Content of the agreement
“From the registration of the name of the person to whom the criminal offence is attributed until the beginning of judicial review, the prosecutor, the defendant or his special representative may propose to reach an agreement on the conditions of admission of guilt and setting punishment.
2. In the negotiation for reaching an agreement, the presence of the defense lawyer of the defendant is mandatory. The conclusion of the agreement shall be allowed for criminal offences for which the law provides for a maximum punishment of not more than 7 years of imprisonment. This restriction shall not apply in the case of the justice collaborator…….”

Q041-5 (2024): It depends on the punishment. When there was no serious consequence from the crime, as the criminal law differentiates the punishment for these crime figures.

Q042 (General Comment): Yes, there are quality standards determined for the judicial system at national level approved by the Law “On the status of judges and prosecutors”, as amended, (Article 71) who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.
Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and the quality of the analysis, and the logical reasoning of the prosecutor, etc.
HJC is the body responsible for determining the quality standards of the judiciary, including efficiency and quality. HJC is working on producing the sub-legal acts concerning standards, in cooperation with external partners. Furthermore, each Council publishes Standards of Ethics and Rules of Conduct. Hence, standards generally speaking standards are divided into performance related standards (quality and quantity of performance of magistrates) and behavioral related standards (ethics).
Q043 (General Comment): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a magistrate as Ethics Advisor under the provisions of the Law “On the Governance Institutions of the Justice System”.
Q048 (General Comment): NA
Q048 (2021): The court performance is assessed as part of the annual report but because there is no officially approved indicators yet, the court performance can not be evaluated.
Q049 (2022): The HJC has in place 2 different statistical reports: a yearly report based on CEPEJ methodology as well as a quarterly report. Both are analyzed by the statistic sector of the HJC. The decisions regarding human resources distribution, judges’ appointments and transfers are based on these data.
Q051 (2024): In the framework of the reallocation of human resources in the judicial system, based on performance in order to improve efficiency, for the year 2025 it results that 3 judges have been transferred according to parallel movement procedures.
These procedures were carried out in implementation of the decisions of the High Judicial Council as follows: Decision no. 51, dated 05.02.2025; no. 54, dated 05.02.2025 and no. 56 dated 05.02.2025. Parallel movements of civil judicial employees have also been carried out, in order to improve efficiency in the courts.
Regarding the reallocation of financial resources, please refer to the decision-making of the High Judicial Council, pursuant to which the reallocation was made, and specifically: Decision no. 330, dated 03.07.2024; no. 397, dated 30.07.2024; no. 538, dated 25.09.2024 and no. 619, dated 16.10.2024, of the Council.
Q053 (General Comment): NA
Q053 (2024): During the elaboration of processes related to the career of prosecutors (transfers, etc.), the High Prosecutorial Council provides periodic or as needed information from the Prosecutor General Office or prosecutorial offices regarding the implementation of the indicators monitored under Question 59. During this process, in addition to these indicators, special care is given also to sensitive criminal cases under investigation or maintaining the performance and functionality of the prosecutorial office from which the prosecutor is transferred.
Also, according to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, as amended, the head of the prosecution offices prepares an annual report within the month of February of each year, on the progress of work in the relevant prosecution during the previous year and report it to the General Prosecutor. The report is published in the web page of General Prosecutor office.

Q055 (2024): When carrying out procedures related to the career of prosecutors, e.g., in the case of the transfer with consent of prosecutors from one office to another, the Council relies in particular on statistical information related to the workload (criminal cases) in both prosecutorial offices, the office where the prosecutor is currently working and the office where the prosecutor wishes to be transferred. Taking into account the maintenance of work performance in the prosecutorial offices, the Council decides on the transfer of prosecutors from the prosecutorial office with a lower workload to the prosecutorial offices with a higher workload, within the approved number of prosecutors in the organizational structure of that office (without additional financial effects).
Q057 (2024): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council
Q057 (2021): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council
Q058 (General Comment): NA
Q058 (2022): We can deduct the number of appeals and appeal ratio by the data that we gather but it is not an indicator directly reported by courts. Furthermore, it is not analyzed as part of a court functional indicator, it is used during the personal assessment of a judge. Regarding the "satisfaction of users", an online survey is being piloted in the First instance court of Tirana.
Q058 (2020): Based on this provision and based on the annual plan of Inspections, the High Inspector of Justice has approved the following decisions:
- Decision no. 1 dated 11.02.2020, "On conducting the thematic inspection of courts and prosecutor's offices near them on the treatment of requests subject to" Conditional Release ";
- Decision no. 1/1 dated 20.02.2020 “On the addition of the thematic inspection object determined by decision no. 1 dated 11.02.2020 of the High Inspector of Justice”.
Q059 (General Comment): NA
Q059 (2023): NA
Q059 (2021): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the
assessment of performance of the prosecutor.
High Inspector of Justice is the responsible body, which inspects citizens complains, for: procrastination of the process by the persecutors, unethical acts by prosecutors..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan
Q061-1 (2022): the answer is N/A
Q062 (2024): The High Judicial Council
Q062 (2022): High Judicial Council

Q062 (2020): The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.
Ministry of Justice, Zogu I Boulevard, Tirana, Albania.
Q063 (2024): The statistical data concerning all courts are part fo the HJC annual report accessible here: https://klgj.al/raporte-klgj/
The individual statistical data for each court are also accessible in their annual report.

Q063 (2022): The statistical data concerning all courts are part fo the HJC annual report accessible here: https://klgj.al/raporte-klgj/
The individual statistical data for each court are also accessible in their annual report

Q064 (General Comment): According to Article 50, of the Law "On the organization and functioning of the prosecution in the Republic of Albania", the General Prosecution Office is responsible for collecting statistical regarding the functioning of the public prosecution services. The reports are published in the official website of the General Prosecution Office on the link: http://www.pp.gov.al/web/Raporte_18_1.php#.YBkrXOhKhaQ . The name and the address is: General Prosecution Office, Rr. "Qemal Stafa", Nr.1, Tirana, Albania - www.pp.gov.al
Q064 (2024): General Prosecution Office
Q064 (2022): General Prosecution Office. (St.Qemal Stafa No.1 Tirana, Albania, www.pp.gov.al)
Q065 (2022): https://www.pp.gov.al/Dokumente/Raporte_te_Prokurorive_te_Rretheve_Gjyqesore/

Q066 (General Comment): The reports are intended for internal use and are composed of the statistical data (case flow, case management, etc.), productivity of judges, shortfalls and issues evidenced. The table of contents of an annual report of a court is as follows:

I. Introduction

II. Judicial Activity

1. The burden and type of litigation.
2. Trend of load with issues.
3. Resolving issues.

a. Criminal Matters

b. Criminal claim

c. Pre-trial criminal claim

d. Criminal-administrative claim

e. Civil matters

4. Charges for judges.

a. Delegations of judges

5. Control of decision-making by higher courts.
6. Speed in judgment.
7. Refuses to adjudicate cases.
8. Exclusions of judges from adjudication of cases.

III. Judicial Case Management

1. Monitoring the progress of issues.
2. Electronic system of management of court cases.

IV. Administrative management of the court

1. Organics and Human Resources.
2. Information technology.
3. Provision of services by the judicial administration.
4. Accessibility, transparency, public relations and the media.
5. Security and security issues in court.

Q069 (General Comment): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc.Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

Q069 (2021): According to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, the head of the prosecution offices of first and second instance of general jurisdiction prepare an annual report within the month of February of each year, on the progress of work in the relevant prosecution during the previous year and report to the General Prosecutor. Pursuant to Article 148/b of the Constitution of the republic of Albania, the General Prosecutor reports to the Assembly for the state of criminality. In line with Article 104 of Law 97/2016 “On the Organizing and Functioning of the Prosecution Office”, reporting must be carried out at least once a year and it contains data and explanations on the number, types, territorial extension, intensity and forms of crime. The decision no.134/2018 of the Assembly of the Republic of Albania, in addition to above, provides that the annual report must contain data regarding even to the institution inner organizing, including the structure and the organigram; data on income and expenses, legal references, implementing the international obligations. Furthermore, in accordance with the Law nr. 97/2016, each prosecution office has the obligation to prepare an annual report on the prosecution activity, including the above mentioned activities. These reports are presented to the General Prosecutor Office

Q070 (2020): There is no legal providing for the medium of the publication of the report. The report is published in a format that would allow quick dissemination. This year, costs have also been taken into consideration for such publication.

Q074 (2024): The current evaluation system is based on Decision No. 261/2, dated 14.04.2010, of the High Council of Justice. In reference to the criteria for measuring judicial activity, the quantitative work standard implies the realization by the judge within a calendar year of a workload of at least the following:
a. First instance judge of the criminal chamber, as rapporteur, no less than 100 trials of criminal cases (crimes and criminal misdemeanors).
b. First instance judge of the civil chamber, as rapporteur, of the commercial section, no less than 100 trials of cases related to commercial disputes.
c. First instance judge of the civil chamber, as rapporteur, of the administrative section, no less than 150 trials of cases related to administrative disputes.
d. The first instance judge of the civil chamber, as rapporteur, of the family section, no less than 200 trials of cases related to family disputes.
e. The first instance judge of the civil chamber, as rapporteur, of the general section, no less than 120 trials of cases related to disputes between opposing parties.
ë. The judge of the first instance court, of the civil and criminal chamber, examines no less than 400 cases of a claim nature (civil or criminal) with or without interested parties.
f. The judge of the first instance court for serious crimes, as rapporteur, no less than 10 trials of criminal cases.
g. The judge of the first instance court that is not organized into sections, as rapporteur, no less than 200 cases, criminal (crimes and criminal misdemeanors) and civil related to disputes between opposing parties.
h. Judge of the Court of Appeal of the Criminal Chamber, as rapporteur, not less than 150 trials of criminal cases.
i. Judge of the Court of Appeal of the Civil Chamber, as rapporteur, not less than 200 trials of civil cases.
j. Judge of the Court of Appeal for Serious Crimes, as rapporteur, not less than 20 trials of criminal cases.
k. The President of the Court in the function of judge means the realization by them within a calendar year of a minimum workload, respectively to the extent of 40% of the minimum workload of the judge of that court.

Q075 (2024): High Judicial Council
Q075 (2020): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved by the Council

Q075-1 (2021): It is part of ethical and professional evaluation of judges. As such it influences the final score and therefore the career of the judge
Q075-1 (2020): Other: It is part of the professional and ethical evaluation of judges. As such, it influences the final score, therefore the career of the judge.
Q076-1 (2024): High Judicial Council
Q077 (2024): The periodicity of the evaluation of judges is foreseen by law in two frequencies, specifically:
- The magistrate is evaluated once every three years, during the first fifteen years of experience professional, including professional experience as assistant magistrate or commanding magistrate.
- The magistrate is evaluated once every five years, after the first 15 years of professional experience magistrates.

Q077 (2023): The periodicity of the evaluation of judges is foreseen by law in two frequencies, specifically:
- The magistrate is evaluated once every three years, during the first fifteen years of experience professional, including professional experience as assistant magistrate or commanding magistrate.
- The magistrate is evaluated once every five years, after the first 15 years of professional experience magistrates.

Q079 (2023): (no targets in the system)
Q080-1 (2023): Based on this law, High Prosecutorial Council, has approved Regulation "On the ethical and professional assessment of prosecutors", with Decision no. 95, dated 09.05.2022 and the Regulation “On the ethical and professional assessment of heads of prosecution offices of general jurisdiction", adopted with Decision 380, dated 30.11.2023. In these sublegal acts are detailed criteria regarding ethical and professional assessment of prosecutors in first and second instance of general jurisdiction and heads of these offices

Q080-1 (2022): The criteria for the quality assessment of the public prosecutor’s work are set by the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, as amended, and Regulation "On the ethical and professional assessment of prosecutors", approved by Decision no. 95, dated 09.05.2022, of High Prosecutorial Council

Q080-1 (2021): The criteria for the quality assessment of the public prosecutor’s work are set by the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”.
Q081 (2023): The magistrate is evaluated once every three years, during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience as a magistrate. The head of the prosecutor's office is evaluated at least once during the duration of the mandate as head.
Q082-0 (2024): The HJC has approved a strategic 2 year plan, including the IT strategy. The strategic plan can be accessed only in albanian: https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf
Q082-0 (2023): https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf
Q082-0 (2022): The HJC has approved a strategic 2 year plan, including the IT strategy. The strategic plan can be accessed only in albanian: https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf
Q082 (2022): Regarding the option "centralized or interoperable database" the answer changed from "yes" to "no", tbecause during 2022, due to cyber-attacks in Albania, some institutions such as the Civil Status Office and the National Business Center have disconnected interoperability with the case management system.
The status of integration with statistical tool changed from "integrated" to "not connected" because HJC has approved new statistical formats which have not yet been integrated with the case management system. These integrations are expected to end with the finalization of the new judicial map.
Q082-1 (2024): Thanks to the developments occurred in the field of Information Technology, for more than 15 years from now, services offered by courts are easily accessible online by citizens, media representatives, as well as other civil society actors. Since 2005, two different electronic case management systems have been operating in the Albanian courts (ARKIT and ICMIS). Currently it turns out that out of 20 courts in the Albanian territory, 18 of them are using the ICMIS system, 2 of them using the ARKIT system. While, only two courts, respectively Tirana Judicial District Court and the Special Court of First Instance for Corruption and Organized Crime are using the ARKIT system

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Q082-1 (2022): THE ARKIT system has been used since 2002, and the ICMIS system has been used since 2007.

Q082-2 (2024): Preliminary steps (Governance structure setup, Preliminary decisions, Decision on migration of data from existing systems, etc);
Phase 1 (case handling, statistics, decisions);
Phase 2 (e-filing etc. for criminal cases);
Phase 3 (e-filing etc. for civil and admin. cases);
Legislation;
System support, operation and maintenance;
Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitization of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

Q082-2 (2023): timeline including when the new system is expected to become operational:
Preliminary steps (Governance structure setup, Preliminary decisions, Decision on migration of data from existing systems, etc);
Phase 1 (case handling, statistics, decisions);
Phase 2 (e-filing etc. for criminal cases);
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System support, operation and maintenance;
Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitisation of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

Q082-2 (2020): The current CMS presents a number of shortfalls and the latest study conducted by HJC concludes on the necessity to develop e new system. Because of the substantive financial efforts it requires, in 2020 HJC commissioned a total of 84 upgrades to the system which functionalities have improved since, but still a new system is envisaged. Its development depends primarily on the securing of financial support.

Q082-1-0 (2024): The Case Management Systems with which the Albanian courts operate are CMIS and ARKIT.
A broad consensus has been achieved in the Albanian judiciary about the need to replace both existing case management systems used by Albanian courts (ARK-IT and ICMIS, with their variants and their 2 and 36 local installations respectively) with a single new generation, state-of-the-art system.
The Centre for the IT in the Judiciary of Albania has adopted in December 2021, upon proposal of the High Judicial Council (HJC), a Road Map for the development of the new Albanian Court Case Management System. Among these, the relevant decisions of the Information Technology Centre in the High Judicial Council were approved in order to start work on the development of a new Court Case Management System. However, it's obvious that the systems used in the Albanian courts are almost obsolete despite frequent updates with new features. Additionally, each of the courts have their own servers installed locally which are not unified. The internal network architecture across the courts is specific to each court and is not standardized and unified yet. The renewal of the licenses of the various software components used by the courts is managed by each court in particular. This also applies to security programs that must be used on each of the court servers.
In terms of security, the case management system operates offline and can only be accessed locally by court users. Each court through the institutions of the IT is responsible for guaranteeing security and implementing policies that protect the system from possible threats.

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In terms of security, the case management system operates offline and can only be accessed locally by court users. Each court through the institutions of the IT is responsible for guaranteeing security and implementing policies that protect the system from possible threats.
Q084 (2020): Please note that data are anonymized only for first and second instance courts. The High court still publishes its decisions without anonymizing the data
Q085 (2020): The website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is used by the majority of the Courts and ARKIT which is used only in Tirana District Court and Former Serious Crimes Court.

Bosnia and Herzegovina
Q036 (General Comment): The most important case categories among civil and commercial non-litigious cases are: uncontested payment orders, non-litigious enforcement cases, inheritance proceedings, non-contentious proceedings related to personal and family matters (e.g. establishing that a person does not have legal competence, striping of parental rights), non-contentious proceedings for settling relationships between co-owners of the real estate including dissolution of co-ownership, settlement of boundary lines, voluntary sales. The majority of non-litigious cases were enforcement proceedings the state-owned utility companies initiated because of unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc.).

Q038 (General Comment): As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include data for criminal cases from the first instance jurisdiction of second instance courts. Regardless of the above change, the general trends for criminal cases in 2023 remain similar to the tendencies from the previous reporting cycles.
Severe criminal offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: punishments, suspended sentence, security measures and educational measures. Examples of serious criminal offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.
Statistics on severe criminal offences include data on the cases in which the main part of the proceedings has started following the confirmation of indictment by court.
Minor offence or misdemeanor cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed because of being found responsible for a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences: traffic offences, violations of public order, begging etc.
Statistics on misdemeanor offences include data on the cases in which the main part of the misdemeanor proceedings has started.
Statistics on other cases include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.)
statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and to the enforcement of pronounced penalties.

Q038 (2024): Criminal cases: As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include data for criminal cases from the first instance jurisdiction of second instance courts. Regardless of the above change, the general trends for criminal cases in 2024 remain similar to the tendencies from the previous reporting cycles.
Misdemeanor cases:
The number of pending first-instance misdemeanor cases increased significantly during 2024 – by 33%, unlike the previous year during which the number of pending cases rose only by 1%. The number of incoming cases continued to expand in 2024 – by 31%. The most significant increase in the influx of cases occurred in several courts in major towns, due to the increased number of requests for initiating misdemeanor proceedings from various administrative authorities and police (i.e. traffic violations). The first-instance court in the capital of Bosnia and Herzegovina has received a particularly large number of new misdemeanor cases initiated by the police against citizens for committed traffic violations. Furthermore, the courts resolved more cases in 2024 than in the previous year. However, the courts failed to achieve 100% clearance rate in 2024 (i.e. 77%).

Q038 (2023): Criminal cases As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include data for criminal cases from the first instance jurisdiction of second instance courts. Regardless of the above change, the general trends for criminal cases in 2023 remain similar to the tendencies from the previous reporting cycles.
Misdemeanor cases:
The number of pending first-instance misdemeanor cases increased by 1% during 2023, unlike the previous reporting year (i.e. 2022) during which the number of pending cases decreased by 12%. The number of incoming cases in 2023 was higher by 7% compared to 2022. The most significant increase in the influx of cases occurred in several courts in major towns, due to the increased number of requests for misdemeanor proceedings from various administrative authorities and police (i.e. traffic violations). Furthermore, the courts resolved more cases in 2023 than in the previous year. However, the courts failed to achieve 100% clearance rate in 2023 (i.e. 99%).
Q038 (2022): There has been a significant decrease in the influx of first instance severe criminal law cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions. In 2021, however, the number of incoming first instance severe criminal law cases rose by 8% compared to 2020. Still, that number is smaller than the number of incoming first instance severe criminal law cases registered in 2019 and 2018. Statistics on first-instance criminal cases in 2022 indicate that the situation in the courts is, basically, consistent with the parameters from 2021.
Unlike previous years, the number of incoming cases decreased in 2022. Consequently, the number of pending cases in the first instance decreased at the end of 2022. The reduction in the influx of cases was recorded, predominantly, in the largest courts. This is not a consequence of legislative changes. It remains to be seen whether such indicators will continue to be achieved in the coming period.
Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.
Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor’s office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

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In addition, as in 2019 and 2020, the number of incoming first instance misdemeanour cases continued a clear upward trend in the reference year. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. In addition, the number of resolved first instance cases in 2021 was bigger in comparison to 2020, which was marked by the Covid-19 measures restricting the work in prosecutors' offices and courts. However, the courts failed to reach the 100% clearance rate in the reference year. Consequently, the number of pending misdemeanour cases continued to grow in 2021 as in the previous years. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.
Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

Q038 (2020): Specific comments for 2020:
There has been a significant decrease in the influx of first instance severe criminal cases over recent years, that trend improved in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the epidemic of Covid-19. However, in contrast to 2019, the number of resolved first instance criminal cases plunged in 2020, due to Covid-19 measures restricting the work in prosecutors' offices and courts. Therefore, the number of pending severe criminal cases was bigger at the end of the reporting year. As in 2019, the number of incoming first instance misdemeanour cases continued to raise in 2020. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. The number of resolved first instance cases in 2020 was lesser compared to 2019 because of Covid-19 measures restricting the work in courts. Consequently, the number of pending misdemeanour cases continued to grow in 2020 as in the previous year. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.

Q038 (2019): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and for the enforcement of pronounced penalties.
Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Also, the historical statistics since 2014 show the decrease of the severe criminal cases. Due to the increase of the incoming misdemeanor and other cases in 2019 the courts did not achieve 100% clearance rate causing the increase of the number of pending cases at the end of 2019. The increase of the incoming cases was mostly the result of a more strict approach of the law enforcement institutions with regards to the punishing traffic offences. Also, it is important to note that although the increase of pending misdemeanor cases between 2018 and 2019 is high in relative terms, it is not as significant in absolute numbers.

Q039 (2024): Civil (and commercial) litigious cases: In 2024, the trend of decreasing total number of unresolved civil commercial cases at the second level continued, as well as a decrease in the number of unresolved cases older than two years. This trend was especially facilitated by the continuous reduction of backlog in several of the largest courts that have jurisdiction over civil commercial disputes at the second stage. It is important to note that one of the second-level courts received a large number of simple cases, which were resolved during the reporting year, resulting in an increase in the total number of received cases compared to 2023, but this did not lead to an increase in the number of unresolved cases during 2024.
Administrative cases:
The courts registered the increased numbers of incoming administrative cases in 2024 in contrast to the previous year; the workload increased particularly in one of the courts, which had to decide urgently on the huge number of the complaints against the election commission's decisions in relation to the 2024 local elections. In addition, other courts have also received a somewhat higher number of administrative cases in 2024 compared to 2023, which has contributed to a slight increase in the number of unresolved cases in the reporting year.

Q039 (2023): Civil (and commercial) litigious cases: The number of incoming second instance civil commercial litigious cases declined in 2023, following a massive one-time increase in the influx of cases in one of the courts in 2022. The influx of this category of court cases in 2023 is in balance with the influx of cases in 2021. In addition, there has been a significant decrease in the number of second instance civil commercial litigious cases over recent years. This trend continued in 2023. It is particularly facilitated by the continuous reduction of backlog in several of the largest courts that have jurisdiction over second instance civil commercial litigious cases.
Administrative cases: The number of incoming second-instance administrative law cases remained stable in 2023 compared to the influx of cases in 2022 and 2021. In 2023, the courts continued to reduce the number of second-instance administrative law cases in 2023, which is in line with historical trends for this category of court cases.

Q039 (2022): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 2021, however, the number of incoming second instance civil commercial litigious cases was increased by 9% compared to 2020; nevertheless, that number is by far smaller than the number of incoming second instance civil commercial litigious cases registered in 2019 and 2018. This trend continued in 2022. However, one of the second-instance courts received a large number of simple cases, which were resolved during the same year, which resulted in an increase in the total number of cases received compared to 2021. This was a one-time increase in the influx of cases, related specifically to this court's territorial jurisdiction. Furthermore, the courts with the biggest caseload in the country have managed to surpass the 100% clearance rate for many consecutive years, including the reference year; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2022. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. When it comes to administrative court cases, the number of pending cases has been further reduced in 2022, confirming indicators from 2021.

Q039 (2021): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 2021, however, the number of incoming second instance civil commercial litigious cases was increased by 9% compared to 2020; nevertheless, that number is by far smaller than the number of incoming second instance civil commercial litigious cases registered in 2019 and 2018. In addition, the courts with the biggest caseload in the country have managed to surpass the 100% clearance rate for many consecutive years, including the reference year; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2021. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the decreased numbers of incoming and resolved administrative cases in 2021 in contrast to the previous year. The workload shrank predominantly in one of the courts in the reference year; which received almost no complaints against the decisions of the election commission unlike in 2020.
In general, the courts maintained the trend from 2020 and previous years to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Q039 (2020): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In addition, the courts with the biggest caseload in the country have surpassed the 100% clearance rate; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2020. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the increased numbers of incoming and resolved administrative cases in 2020 in contrast to the previous year; the workload increased particularly in one of the courts, which had to decide urgently on the huge number of the complaints against the election commission's decisions in relation to the 2020 local elections. The courts maintained the trend from 2019 to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Q039 (2019): There has been a significant decrease in the influx of civil commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of administrative cases was registered in 2019 as in the previous year; in such conditions the backlog of cases was reduced in 2019. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending civil, commercial and administrative cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Q040 (General Comment): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q040, i.e. incoming, resolved, pending, pending older than two years) include only second instance cases within the jurisdiction of the second instance courts, whereas the first instance cases within their jurisdiction are included in the statistics under the question Q038 First instance courts: number of criminal law cases. In addition, the statistics included under the question Q040 do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts under the Q100 (Evaluation of the judicial systems 2024) Highest instance courts (Supreme Court): Number of criminal law cases. Their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. The courts of appeal have jurisdiction only to deal with the second-instance misdemeanor cases. Severe criminal offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.
Minor offence cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed as a consequence of being found responsible for commission of a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences are: traffic offences, violations of public order, begging etc.
Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor’s office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanor proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanor proceedings.

Q040 (2024): Criminal cases:
As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include only data for criminal cases from the second instance jurisdiction of relevant courts, whereas the statistics on cases generating from their first instance jurisdiction are included in the data for the first instance courts: number of criminal law cases. Regardless of the above change, the general trends for criminal cases for this question remain similar to the tendencies from the previous reporting cycles, with small increase in the number of pending cases being registered from year to year.
Misdemeanor cases:
The number of pending second-instance misdemeanor cases was decreased during 2023 by 39%, unlike the previous reporting year (i.e. 2023) during which the number of pending cases was increased by 13%. However, it is important to note that this modification was not significant in absolute terms. The number of incoming and resolved cases remained relatively stable in the reporting year compared to 2023.

Q040 (2023): Criminal cases:
As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include only data for criminal cases from the second instance jurisdiction of relevant courts, whereas the statistics on cases generating from their first instance jurisdiction are included in the data for the first instance courts: number of criminal law cases. This change may lead to some inconsistencies between data for 2023 and the previous reporting cycle. Regardless of the above change, the general trends for criminal cases for this question remain similar to the tendencies from the previous reporting cycles.
Misdemeanor cases:
The number of pending second-instance misdemeanor cases rose during 2023 by 13%, unlike the previous reporting year (i.e. 2022) during which the number of pending cases decreased by 10%. However, it is important to note that this modification was not significant in absolute terms. The number of incoming and resolved cases remained stable in the reporting year compared to 2022.

Q040 (2022): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include only second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease of the first instance severe criminal cases over recent years to the second instance courts of the aforementioned category. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In addition, in 2020 the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019 and 2018. The number of the first instance severe criminal cases remained stable in 2021 and 2022.

Q040 (2021): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease of the first instance severe criminal cases over recent years to the second instance courts of the aforementioned category. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In addition, in 2020 the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019 and 2018. The number of the first instance severe criminal cases remained stable in 2021.
As for the number of incoming severe criminal law cases at second instance courts, it was increased in 2021 compared to 2020; nevertheless, that number is smaller significantly than the number of incoming severe instance criminal law cases registered at second instance courts in 2019 and 2018.
The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases dropped slightly in 2021, the decrease is not as significant in absolute numbers.
When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2021 mostly due to the measures which continued to be implemented against the spread of Covid-19 virus in the reference year (e.g. number of persons in the court rooms was restricted). However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

Q040 (2020): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease in the influx to the second instance courts of the aforementioned category of the first instance severe criminal cases over recent years. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In 2020, the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019. Although the second instance courts resolved smaller number of severe criminal cases in 2020 compared to the previous year, they were able to exceed the 100% clearance rate during the reporting year. Accordingly, the number of pending first and second instance severe criminal cases declined significantly in the reporting period.
The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases continued to rise considerably in relative terms in 2020, the increase is not as significant in absolute numbers.
When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2020 mostly due to the measures implemented against the spread of Covid-19 virus. However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.
Note regarding 2019 data: During the analysis of data for 2020, a technical error was discovered in the Business Intelligence System. In 2019, the error caused that certain number of incoming and pending criminal cases could not be identified as severe criminal cases; instead, the Business Intelligence System included incorrectly those cases in the other cases category. The correct data for 2019 have been prepared in order to replace the previously included data for that year.

Q040 (2019): Second instance courts have dual subject matter in criminal matters. Second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases.
There has been a significant decrease in the influx of severe criminal cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for severe criminal cases in the same period. The number of misdemeanor cases and other cases rose considerably in relative terms between 2018 and 2019, the increase is not as significant in absolute numbers.
When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable).

Q041 (General Comment): Description of calculation method: The average length of court procedure is calculated as the average of time needed to resolve a case for cases resolved during the reporting year. The average length of court procedure for resolving the case is calculated separately for different phases of the court procedure - from the day of initiating the phase of the court procedure to its completion. The data are retrieved from the case management system.
Average total length of the total procedure:
The average length of the total procedure is calculated as the average of time needed to resolve a case for all cases resolved in the different phases of court procedure during the year. (e. g. The first instance employment dismissal case is resolved in 100 days from its lodging with the first instance court, second instance employment dismissal case is resolved in 120 days from its lodging with the second instance court, and third instance employment dismissal case was resolved in 120 days. The average length of the total procedure employment dismissal cases is calculated as follows: 100+120+120/3=113,3 days.)
Q041 (2024): In 2024, data on the average duration of civil and commercial litigious proceedings remains mostly stable, with the exception of a significant reduction in the average length of second instance cases. This reduction is largely due to the fact that one of the courts had to resolve a large number of new cases in a short period of time, as indicated in the commentary for 039 Second instance courts (appeal): Number of 'other than criminal law' cases.
As in previous years, changes have been recorded in the data for this reporting year compared to the previous year regarding other types of court cases under 041 (Contested divorce cases, Termination cases, Insolvency cases, Robbery cases and Intentional homicide, Bribery cases, Influence peddling). It is important to place these differences in the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Q041 (2023): In 2023, an average duration of proceedings continued to get reduced for the resolved first and third instance civil and commercial litigious cases, which is consistent with the decrease in the number of pending cases for both case categories during the reporting year. Unlike 2022, the average duration of second-instance civil and commercial cases rose slightly in 2023. This occurred mostly because the courts with the biggest number of pending cases resolved certain number of very old cases during the reporting year. It is important to note that the backlog of old first instance litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.
As in previous years, as far as other types of court cases are concerned under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Q041 (2022): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year are consistent with the statistical information for such cases in 2021. It is important to note that the backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.
The average duration of second-instance litigation and economic resolved cases decreased significantly due to the increase in the number of resolved cases in the largest courts of second instance in Bosnia and Herzegovina.
As in previous years, as far as other types of court cases are concerned under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Q041 (2021): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year are consistent with the statistical information for such cases in 2020. It is important to note that the backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.
As for other cases under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.
Finally, it appears that the increase in the length of proceedings in the first instance court cases resolved in 2021 originated from the smaller number of disposed cases in 2020, following the Covid- 19 restrictions regarding the functioning of the courts.

Q041 (2020): Civil and commercial litigious cases:
Overall, in relation to the civil and commercial litigious cases, the relevant trends and indicators for 2020 are corresponding to the results the courts achieved in 2019.
When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before the first instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.
Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence):
There is no particular explanation of the variations for other cases between 2019 and 2020. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). Furthermore, in 2020, Covid- 19 restrictions regarding the functioning of the courts affected differently their work on individual cases and case types. When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Q041 (2019): Civil and commercial litigious cases:
The average length in 2nd instance resolved civil and commercial litigious cases increased in 2019, compared to 2018, because the second instance courts resolved significant number of old cases, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Also, the number of resolved old civil and commercial cases increased in some of the biggest second instance courts trough temporary assignment of judges from other second instance courts with a smaller caseload. The average length in 3rd instance resolved civil and commercial cases was reduced in 2019, compared to 2018, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.
When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before 1st instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides):
There is no particular explanation of the variations for other cases between 2018 and 2019. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases).

Q041-1 (General Comment): Pursuant to the criminal procedure legislation, the basic duty of the prosecutor is the detection and prosecution of perpetrators of criminal offenses. The prosecutor has the following powers: a) as soon as the prosecutor becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; b) to conduct an investigation in accordance with the law; c) to grant immunity in accordance with law; d) to request information from governmental bodies, companies and other physical and legal persons; e) to issue summonses and orders and to propose the issuance of summonses and orders in accordance with the law; f) to order authorized officials to execute an order issued by the court as provided by the law; g) to propose the issuance of a warrant for pronouncement of the sentence; h) to issue and defend indictment before the court; i) to file legal remedies; j) to perform other tasks as provided by the law.

Q041-1 (2024): Prosecutors may end the criminal cases against juveniles by imposing certain types of criminal sanctions - i.e. cases in which prosecutors impose educational measures against minor defendants without bringing them to court.
Q041-1 (2023): Prosecutors may end the criminal cases against juveniles by imposing certain types of criminal sanctions - i.e. cases in which prosecutors impose educational measures against minor defendants without bringing them to court.
Q041-2 (General Comment): Public prosecutors deal exclusively with criminal cases. However, the law provides for a smaller scope of jurisdiction of public prosecutors in civil and bankruptcy proceedings. If there are reasonable grounds to use a remedy against an executive court decision or a decision taken in another proceeding, the chief federal prosecutor may request that the execution of such a decision be postponed or interrupted, if its adverse effects could result in unavoidable adverse consequences. A copy of the decision on the opening of the bankruptcy procedure shall be submitted to the competent prosecutor's office. The competent prosecutor's office shall also be informed in the event that the opening of the bankruptcy procedure does not occur due to the lack of property.

Q041-3 (2024): Around 84% of pending cases on 31 December 2024 were cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. Additionally, around 16% of pending cases were cases against known minor and adult perpetrators. These cases are considered to be more important for the society and the criminal justice system compared to the other group of cases (cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act). The number of unresolved cases in prosecutor's offices at the end of 2023 is lower by about 18000 than the number of unresolved cases at the beginning of 2024. This inconsistency occurred because during 2024, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and some prosecutor's offices noticed in the Case Management System in prosecutor's offices that some prosecutors did not mark as completed cases that were resolved in previous years. Mostly these were cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. As a result, these cases were marked during the reporting year as resolved in the Case Management System in Prosecutor's Offices, which led to the aforementioned inconsistency in the data on the work of prosecutors' offices.

Q041-3 (2023): Around 88% of pending cases on 31 December 2023 were cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. Additionally, around 12% of pending cases were cases against known minor and adult perpetrators. These cases are considered to be more important for the society and the criminal justice system compared to the other group of cases (cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act).

Q041-5 (General Comment): Traffic offence cases are dealt with by the courts under the legislation on misdemeanor proceedings. In general, the misdemeanor offences are determined by the law and other regulations as violations of public order punishable by fines. The police, not the prosecution, initiate and present traffic offence cases in the courts.

Q042 (General Comment): In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

The heads of higher courts and prosecutors' offices evaluate yearly lower instance court presidents and chief prosecutors based on the statistical data and the indicators related to the management of the work of the court and the prosecutor's office.

Furthermore, there is a normative framework that consists of the various law provisions, regulations, and guidelines. The framework outlines systematic processes in the entire judicial system of Bosnia and Herzegovina as well as in the prosecutors' offices and courts, which have a purpose to help the judicial institutions achieve the best possible results in terms of production and quality. The processes include meetings of departments (uniform application of the law, analysis of relevant case law, caseload, length of proceedings, backlog reduction plan etc.), quota system, adoption of yearly work plan, reporting on the yearly work plan implementation, preparation of yearly training programme by the judicial training institutions etc.

Q042 (2020): In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.
According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.
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Q042 (2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina,which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

Q043 (General Comment): Court presidents and chief prosecutors have a responsibility to evaluate the performance of the judicial office holders.
They also oversee the implementation of the normative framework outlining the systematic processes in the courts and the prosecutors' offices. Heads of departments support the chief prosecutors and the court presidents in overseeing the processes designed to improve continually the quality and efficiency of the prosecutors' offices and courts.

Q043 (2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

Q048 (General Comment): In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of court presidents in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota of the court, and the organization and management of the work of the court (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Q052 (General Comment): In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior chief prosecutor appraise annually the work of the lower instance chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of chief prosecutors in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota and collective quality of decisions of the prosecutor's office, and the organization and management of the work of the prosecutor's office (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Q056 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents.

Q056 (2024): Hierarchical superior court president
Q056 (2020): Other: Hierarchical superior court president.
Q056 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law.The superior hierarchical court president appraise regularly the work of the lower instance court presidents.

Q057 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior chief prosecutor appraise annually the work of the lower instance chief prosecutors.
Q057 (2021): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina serves as the public prosecutorial council.

Q057 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior public prosecutor.
Q057 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior hierarchical chief prosecutor appraise regularly the work of the lower instance chief prosecutors.

Q058 (General Comment): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court’s performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
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Q059 (General Comment): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Q059 (2019): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Q060 (General Comment): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

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Q061 (General Comment): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.
Q061 (2019): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

Q061-1 (General Comment): Agreement on general arrangements: the regulation governing the organization of courts and prosecutors' offices
provides for provisions on certain general arrangements between the main actors of the proceedings to ensure that cases are dealt with efficiently, such as the regulation requiring the court presidents and the chief prosecutors to establish an on-call service for urgent criminal cases.
Agreement in specific cases: the court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties.
When deferring or postponing the main hearing in civil proceedings, the court will determine the date of the new hearing, as a rule, with prior consultations with the parties. During the preparation for the main trial in criminal proceedings, the judge or presiding judge may hold a hearing with the parties to the proceedings and the defense attorney to consider issues relevant to the main trial.
Q062 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/
Q062 (2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.
Q062 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/
Q063 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state
of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of
justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each court.
Q063 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state
of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of
justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each court.
Q064 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor’s offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/

Q064 (2023): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.
Q064 (2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.
Q064 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor’s offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/
Q065 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor’s office.
Q065 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor’s office.

Q066 (General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.
Q066 (2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.
Q069 (General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.
Q069 (2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.
Q074 (General Comment): Q 074 The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a court case within a given case category and its weight.
Q074 (2019): The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a court case within a given case category and its weight.
Q075 (General Comment): Q075 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.
Q075 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Q075-1 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopts the criteria for the annual performance evaluation of judges: Quantity of work (i.e. annual quota) – up to 40 points, Percentage of realization of individual case resolution plan - up to 20 points, Statistical quality of decisions (i.e. reversal rate) – up to 40 points. As mentioned above, one of the criteria is the annual quota, i.e. the number of cases that a judge should resolve over the course of a year. A judge may receive a maximum of 40 points under this criterion if they exceed the annual quota. However, if a judge fails to reach the best possible result than a certain number of points are awarded in the annual performance procedure as follows:
a) up to 50% of the achieved quota: 0 points; b) 51–60% of the achieved quota: 10 points;
c) 61–70% of the achieved quota: 15 points;
d) 71–80% of the achieved quota: 20 points;
e) 81–90% of the achieved quota: 30 points;
f) 91–100% of the achieved quota: 35 points;
g) over 100% of the achieved quota 40 points.
It is not in itself a disciplinary offense if the judge or prosecutor resolves a smaller number of cases than the intended target. However, a poor work result results in a judge or prosecutor receiving a poor grade, which may indicate that a judge or prosecutor is negligently performing his or her duties. The Disciplinary Prosecutor's Office in HJPC BiH examines the circumstances due to which the target was not achieved in individual cases.
Q076 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the criteria for the performance evaluation of judges in December 2022. A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

Q076 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of judges.
Judges of the courts in Bosnia and Herzegovina are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, analytical quality of work and decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.
The analytical quality of work and decisions shall be evaluated by assessing the following sub-criteria: a)Consistency of the introduction,enactment clause and reasoning of a court decision with the procedural provisions that prescribe their content, especially concerning any requests, objections, claims from the appeal, as well as the existence of clear instruction for the lower instance court in the event of the decision being reversed;
b)The quality of reasoning of court decisions concerning the ability to properly assess evidence and properly and fully establish the state of facts, legal analyses and analytical opinions, consistency in presenting the reasoning, knowledge and application of regulations and caselaw, including the application of international agreements and practices of the European Court of Human Rights and other international courts;
c)Oral and writing skills, especially the ability to legibly and concisely express and apply the appropriate legal terminology;
d)Communication with parties, other authorities and relationship with associates;
e)Quality in conducting procedures with particular consideration for:
The ability to solve complex cases;
Trial preparation through proper preparations for main hearings/trials, precise definition of actions that need to be carried out at hearings and evidence that needs to be presented as well as the concentration of evidence; Conducting procedures in accordance with the principles of efficiency and economy, avoidance of undue postponing and adjourning of hearings and by taking legal measures to ensure the presence of the accused, litigants, witnesses and expert witnesses, measures to prevent any abuse of the procedural rights of the parties and other participants, adherence to legal deadlines in scheduling hearings/trials, and taking legal measures, which must be reflected in the minutes of the hearings, to finalize disputes through court settlement;
Promptness in drafting and dispatching court decisions;
f)Willingness to assume additional work in connection with the performance of judicial duties especially mentoring, contributing to the work of the court or court department (participation in preparing the court bulletin and similar activities), cooperation with training and advanced training efforts (including publication of law papers or books, educational activities), international cooperation and cooperation involving legislative procedures (participation in working groups tasked with

Q076-1 (2020): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020. A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

Q078 (General Comment): Q078 The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight.
Q078 (2019): The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight
Q079 (General Comment): Q079 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.
Q079 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Q079 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Q079-1 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopts the criteria for the annual performance evaluation of prosecutors: Quantity of work (i.e. annual quota) – up to 40 points, Percentage of realization of individual case resolution plan - up to 20 points, Statistical quality of decisions (i.e. conviction rate) – up to 40 points. As mentioned above, one of the criteria is the annual quota, i.e. the number of cases that a prosecutor should resolve over the course of a year. A prosecutor may receive a maximum of 40 points under this criterion if they exceed the annual quota. However, if a prosecutor fails to reach the best possible result than a certain number of points are awarded in the annual performance procedure as follows:
a) up to 50% of the achieved quota: 0 points; b) 51–60% of the achieved quota: 10 points;
c) 61–70% of the achieved quota: 15 points;
d) 71–80% of the achieved quota: 20 points;
e) 81–90% of the achieved quota: 30 points;
f) 91–100% of the achieved quota: 35 points;
g) over 100% of the achieved quota 40 points.
It is not in itself a disciplinary offense if the judge or prosecutor resolves a smaller number of cases than the intended target. However, a poor work result results in a judge or prosecutor receiving a poor grade, which may indicate that a judge or prosecutor is negligently performing his or her duties. The Disciplinary Prosecutor's Office in HJPC BiH examines the circumstances due to which the target was not achieved in individual cases.
Q080 (2020): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.
A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor’s indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

Q080-1 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Q081 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of prosecutors.
Prosecutors are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, and analytical quality. The statistical quality of a prosecutor's indictments assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.
The analytical evaluation is evaluated based on the following elements:
a)Fulfilment of statutory requirements in prosecutorial decisions; b)Ability to establish decisive facts for making prosecutorial decisions;
c)Ability to handle complex cases;
d)Expedience in rendering decisions and compliance with statutory deadlines;
e)Ability to organize and efficiently conduct investigations in a proactive manner;
f)Professional quality of decision, demonstrated legal knowledge and use of legal remedies
Q082-0 (2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has formed a working group for drafting a medium-term strategy for the development and implementation of information technologies in the judiciary.
Q082-0 (2021): Preparatory activities for the development of the strategy are ongoing.
Q082-0 (2020): Director of the Secretariat at the HJPC was given a mandate from the HJPC to provide the preconditions for drafting a new strategy.
Q082 (2022): Correction of technical mistake: The reply from the previous reporting cycles regarding the status of criminal case online should be changed from "Accessible to parties" to "Not accessible at all".
Q082-1 (2024): CMS/TCMS v1 was developed more than 10 years ago, CMS/TCMS v2 was developed between 5 and 10 years ago, CMS/TCMS v3 was developed between 2 and 5 years ago.
Q082-1 (2023): CMS/TCMS v1 was developed more than 10 years ago, CMS/TCMS v2 was developed between 5 and 10 years ago, CMS/TCMS v3 was developed in the last 2 years.

Q082-1 (2022): Currently there are two running versions of the Case Management System in the judicial system of Bosnia and Herzegovina: -CMS v1 was developed more than 10 years ago,
-CMS v2 was developed between 2 and 5 years ago.
Both versions are used on the same database.
Q082-1 (2021): Currently there are two running versions of the CMS : - CMS v1 was developed more than 10 years ago,
- CMS v2 was developed between 2 and 5 years ago.
Both versions are used on the same database.
Q082-1 (2020): Currently there are two running versions of the CMS : - CMS v1 developed more than 10 years ago,
- CMS v2 developed between 2 and 5 years ago.
Both versions are used on the same database.

Q082-2 (2024): It is planned to completely shut down CMS/TCMS v1 and CMS/TCMS v2 during 2025.

Q082-2 (2023): CMS/TCMS v3 is based on a new WEB technologies and has been tested in 7 judiciary institutions from September to December 2023. The full-scale implementation will take place in 2024.
Q082-2 (2022): The new version of the Case Management System (version 3.0) will be tested in several courts and prosecutors' offices during 2023. It is based on new WEB technologies. The full-scale implementation of the new version of the Case Management System will take place in 2024.
Q082-2 (2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia and Herzegovina, will be implemented during 2021.
Q082-1-0 (2024): Currently there are 3 CMS/TCMS versions in use: CMS/TCMS v3 which is implemented during 2024 and is in use in all judiciary institutions except the Court of Bosnia and Herzegovina and the Municipal Court in Sarajevo (implementation planned for January 2025); CMS/TCMS v2 which is still used only in the Court of Bosnia and Herzegovina and the Municipal Court in Sarajevo; CMS/TCMS v1 which is still used in all judiciary institutions for a few administrative functionalities and for some of the reports.

Q082-1-0 (2023): Currently there are 3 CMS (courts)/TCMS (prosecutor's offices) versions in use: CMS/TCMS v1 that is used in all judiciary institutions for majority of functionalities, CMS/TCMS v2 used in all judiciary institutions for a few functionalities and CMS/TCMS v3 which is implemented in 7 pilot institutions, as it was planned.
Q084-2 (General Comment): The database includes links between a final ruling in a case and the decisions of lower instance courts, appealed by the parties in the procedings

Q084-2 (2024): Other special functionality: The database includes links between a final ruling in a case and the decisions of lower instance courts, appealed by the parties in the proceedings.
Q084-2 (2023): The database contains links between the final decision and the decisions of the lower courts in the same case.
Q084-2 (General Comment): The database includes links between a final ruling in a case and the decisions of lower instance courts, appealed by the parties in the procedings

Q084-2 (2024): Other special functionality: The database includes links between a final ruling in a case and the decisions of lower instance courts, appealed by the parties in the proceedings.
Q084-2 (2023): The database contains links between the final decision and the decisions of the lower courts in the same case.

Q085 (2021): Central database of court decisions is developed and maintained by HJPC's Judicial Documentation and Training Department – former Judicial Documentation Centre. In 2021, the HJPC decided to open this database for public free of charge and without registration. The Council of Ministers of BiH made decision to abolish the annual fee of 50 EUR, so the database is made available to the public free of charge as of 5 March 2021. The HJPC BiH has also issued a new anonymization instruction in order to make database more user friendly. According to this instruction, more information in court decisions are available, i.e. data on all state officials mentioned in the decisions, data on public enterprises and institutions, name and surname of the convicted persons in high- profile cases (war crime cases, organised crime and corruption cases, terrorism cases etc). This is an advancement comparing to the former rule where all data were anonymized (total anonymization). In this way, the HJPC has made an effort to make balance between public and private interest. Also, according to the new instruction, all final decisions in this type of cases are published through the central database, which is new practice compared to previous rule, according to which only decisions selected and provided by the courts of highest instance were published (Appellate Court of Brcko District, Court of BiH – Appellate Division, Supreme Court of BiH Federation and Supreme Court of Republika Srpska).
Also, in 2021, the HJPC secured funding for development of case-law database of the aforementioned courts of highest instance (e-Sentence), through which not only legal positions taken by these courts will be made available, but also the related court decisions, anonymised as well. This database will enable judges to get acquainted with the relevant legal positions and compare those with their cases when rendering new decisions. E-Sentence database was launched in November 2021, and will be publically available as of 1 February 2022, also free of charge. With all this, the HJPC is making an effort to ensure greater transparency and facilitate access to court decisions, as well as to enable judges and prosecutors in BiH to be more consistent in their decision-making and thus ensure a more harmonised case law.

Q085 (2020): Central database of court decisions is available at the web site www.pravosudje.ba/csd. It contains decisions selected by highest courts of Bosnia and Herzegovina in all three areas (civil, criminal and administrative). Database is searchable by case number, date of the decision, court that issued the decision, legal field, legal term, legal category, but also through free text search. Selected decisions are aligned with lower court decisions brought in the same case, anonymized and available for the members of the judiciary - judges, prosecutors and all judicial staff free of charge. Other users must pay annual fee to access the database - i. e. 50 Euro). In September 2020 HJPC adopted a decision making the database free of charge for all users; the above mentioned decision is pending confirmation by the Council of Ministers of Bosnia and Herzegovina. Some decisions in database are aligned with decisions of the Constitutional Court of Bosnia and Herzegovina. The alignment of decision in database with ECHR case law is not in place, but detailed reports on ECHR case law are available through the aforementioned web site www.pravosudje.ba/csd and this aspect of the database is subject of constant improvement through IPA 2017 (information from European highest courts and ECTHR Network). Through the same project, HJPC initiated development of the database with court stances in cooperation with highest courts (E-sentence). This database will enable highest courts to record their case law in line with pre-defined descriptors (legal terms). Besides, this database should enable identification of diverse case law between highest court, and move forward the process of harmonisation of the case law at the state level (Case law harmonisation panels).
Note for Data anonymised: there was a technical mistake in the previous reporting cycle, in order to correct this the reply "No" should be changed to "Yes" for 2019.

Q085 (2019): Court decisions database is available online through the HJPC Judicial Documentation Centre's web site www.pravosudje.ba/csd. It contains court decisions selected by highest courts in all three areas (civil, criminal and administrative) and is searchable by different parameters: case number, court that issued the decision, legal field, legal term, applied institute, but also through free text search. At the moment, the selected decisions are: aligned with lower court decisions brought in the same case, anonymized and available on-line (for the members of the judiciary - judges, prosecutors and all judicial staff free of charge, and the rest of the public must pay annual fee to access the database - i. e. 50 Euro). Some decisions from database are also aligned with decisions of the Constitutional Court of BiH. The alignment of this database with ECHR case law is not in place. Various detailed reports on ECHR case law is available through JDC web site , and is subject of improvement through IPA 2017 (information from European highest courts with ECTHR Network).

Montenegro
Q038 (2024): Other cases are Misdemeanor cases - Execution cases for misdemeanor (IPS)
Q038 (2023): reason that sum up numbers do not match is that certain number of cases were delegated, and there is no option to show it. (souce Judicial Coucil)
other criminal cases - Misdemeanor cases - Execution cases for misdemeanor (IPS)
Q038 (2022): Higher inflow (number of received cases by misdemeanour courts due to the fact in practice that the subject with jurisdiction of issuing misdemeanour orders (fines) were using the legal possibility to initiate misdemeanour proceedings before the courts instead. That led to higher inflow of cases which reflected to the number of unresolved cases. This was mainly the issue related to the slowdown of public procurance system (major cyber attacks etc.) in the refence year and a lack of relevant forms for issuing misdemeanour orders (fines).

Q038 (2020): 1. Severe criminal cases":
Basic and High courts
- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)
"2. Misdemeanour and / or minor criminal cases":
- Misdemeanor cases (PP) - Misdemeanor courts
"3. Other cases":
Misdemeanor cases - Execution cases for misdemeanor (IPS)
Discrepancy elaboration regarding increase of severe criminal cases pending on 31st December of ref.year: In 2020, there was a higher inflow of cases than in 2019, so there were more unresolved cases.
Q039 (2023): These are different types execution cases, execution of payments, cases upon constitutional appeal in commercial cases etc.
Decreasing number of resolved is a general issue, because of higher inflow of cases and same or less capacities.
Q039 (2022): higher inflow of cases in 2022
Q039 (2021): The total of other than criminal law cases is the same as the situation at the end of 2020. and the number of received O(legacy) and RS (complex non-litigation cases) cases has increased. No further explanation was provided.

Q039 (2020): Total of other than criminal law cases (1+2+3+4) - Total number given in this file represents High and Appellate court cases
1. Civil (and commercial) litigious cases - High and Appleate court: -Civil appeals (Gž and Pž) for (Civil cases (P) and Civil cases – small value (Mal))
2.1. General civil (and commercial) non-litigious cases - Civil appeals (Gž and Pž) for (Complex non-litigious cases (Rs) and Other civil and non-litigious cases (R))
2.3. Other non-litigious cases - -Civil appeals (Gž and Pž) for (Legacy cases (O))
3. Administrative law cases - -Supreme court -Administrative appeal cases (Uvp)
4. Other cases - ***Civil appeals (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))
Clarification on discrepancies:
Total of other than criminal law cases for pending cases 31.dec RY As the number of unresolved cases decreased on 01.01, the inflow of cases in the reporting year also decreased, thus, the number of unresolved cases decreased on 31.12.2020. year.

Q040 (2022): During 2021 the High Court in Podgorica operated with 6 judges less. In the same year there were no new appointments to fill the missing judicial positions in the court. That affected the efficiency of the court, which is the one with the highest number of criminal cases in the second instance.
Q040 (2021): The number of resolved cases is smaller, so the number of unresolved cases is higher. No further explanation was provided.
Q040 (2020): 1. Severe criminal cases":
High courts and Appelate court
- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)
"2. Misdemeanour and / or minor criminal cases": High misdemeanor court
- Misdemeanor appeal cases (Pžp)
Clarification of discrepancies:
Total of criminal law cases (1+2+3) for pending cases on 1. jan RY In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Severe criminal cases for pending cases on 1 Jan. ref. year
In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Also, in 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year.

Q041 (2021): The duration of proceedings related to Intentional homicide cases has been increased due to resolved 2018 cases.
The number of appeals filed in Litigious divorce cases Robbery cases has also decreased, and the number of appeals related to Eployment dismissal cases has increased.

Q041 (2020): Clarification of discrepancies:
Employment dismissal cases in column % of decisions subject to appeal
In reference year there was a lower number of cases that went on appeal; Robbery cases in column % of decisions subject to appeal In the reference year, more cases went on appeal
In the column % of cases pending for more than 3 years for all instances in the row concerning Civil and commercial litigious cases, in the last reporting period the relationship with Unresolved cases was used, and this year realistic data concerning the relationship between Unresolved cases over 3 years of age were set in relation.
There are some variations between data of length of proceedings in 2019 and in 2020 which have not been explained (notably decrease of length of proceedings for litigious divorce cases and employment dismissal cases in first instance ; increase of length of proceedings for insolvency cases in first instance ; increase of length of proceedings in first instance and decrease in second instance for civil and commercial cases).
Q041-3 (2024): Source: According to the data from Annual Work Report by Prosecutorial Council
3.3. indictments and plea bargains that go to court
3.2 includes opportunity
Note: since having only these categories filled, 3.1.4 has been calculated the rest of cases, ensuring vertical consistency
These figures refer to the number of perpetrators rather than the number of cases.
Q041-3 (2023): Some PPO offices in points 3.1 3.1.1, 3.1.2, 3.1.3 and 3.1.4 provided data on reported persons because they were not able to differentiate data as requested in the questionnaire. That is one of the reasons number do not sum up.

Q041-5 (2024): Regarding to this question, 8 prosecutions answered Yes, 7 prosecution answerd No. 2 prosecutions did not give an answer.
Q041-5 (2023): When it comes to this, there are no exact data, some of the prosecution offices responded that traffic offences included, others that it is not included and also there were no responses. So general answer is no, but it we can not give exact estimation. According to the Law, of course there is a possibility for traffic offences, but for criminal cases not just misdemeanours or classic fines.
Q042 (General Comment): Rules for the evaluation of judges and presidents of courts, article 11 "A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half (0.5% of a case). If only a decision on costs was revoked, such case shall not be included in the revoked decisions."
Q042 (2024): Rules for the evaluation of judges and presidents of courts, article 11 https://sudovi.me/sdsv/sadrzaj/4MWL
"A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half (0.5% of a case). If only a decision on costs was revoked, such case shall not be included in the revoked decisions."

Q048 (General Comment): There is no automatic evaluation of court performance. We regularly get reports from the court information system and provide them to the decision-makers.

Q049 (General Comment): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if needed.
Q052 (General Comment): Average measure of prosecutor activity (As prescribed by the Rules for the evaluation of state prosecutors and heads of state prosecutor's offices): Article 7 The Prosecutorial Council determines the average measures of the quantity of work in a certain type of case for the following categories: - for basic state prosecutor's offices up to 5 state prosecutors, - for basic state prosecutor's offices from 5 to 10 state prosecutors, - for basic state prosecutor's offices over ten state prosecutors, - for higher state prosecutor's offices. The average measure of the quantity of work is determined at the level of one category of state prosecutor's offices by adding and dividing the number of completed cases by types Kt, Ktm, KT I, Ktr with the number of state prosecutors who performed prosecutorial function in all state cases. prosecutors' offices of one category of state prosecutor's offices in the last three years. (eg ODT Kolašin, Cetinje, Plav, Rožaje, Ulcinj are in the neighboring category of state prosecutor's offices up to 5 state prosecutors, in the last three years a total of 20 state prosecutors worked, and completed a total of 400 Kt cases, 20 Ktm, 20 Kt I and 200 Ktr, the average scale for KT is 400/20 = 20, for Ktm 20/20 = 1, for Kt I 20/20 = 1, for Ktr 200/20 = 10) A case is considered completed if it resulted with a decision on rejection of a criminal report, a case in which a reconnaissance or investigation was conducted after which it was submitted to the competent prosecutor's office, suspension of investigation, confirmed indictment or indictment filed, decision on sentencing plea agreement, rejected criminal charges in case of postponement of criminal prosecution, as well as Ktr case that has been archived. The number of cases is determined by the number of persons. The Prosecutorial Council also determines the average measure of the quantity of work in a certain type of case for the Special State Prosecutor's Office by adding and dividing the number of completed cases by types of Kt-s, Ktm-s, KT I-s, Ktr-s and the number of special prosecutors in that period. performed the prosecutorial function in the above types of cases in the last three years. Article 8 The quantity of work is assessed on the basis of the report on the work of the state prosecutor and the average measures of the quantity of work in a certain type of case. According to this sub-criterion, the state prosecutor is assessed: - if he has completed up to 20% below the average criteria satisfies; - if he has completed over 20% of the subjects below the average criteria, he does not satisfy. If the state prosecutor worked in different types of cases, the quantity of work is assessed for all types of cases as indicators for assessing the quantity of work, and if the state prosecutor had fewer cases in the work of a certain type than the average measure for that type of case, then satisfies the grade if he has completed 80% of the total number of cases in the work of that type of subject, and if it is less than 80%, he does not satisfy the grade according to that indicator. If the state prosecutor did not have a certain type of case in his work, he will not be evaluated in that type of case. Article 9 The quality of work is assessed on the basis of confirmed indictments, convictions and appeals. A state prosecutor who has 80% or more confirmed indictments in relation to the total number of indictments in which a decision was made in the same period satisfies, and a state prosecutor who has less than 20% confirmed indictments in relation to the total number of indictments does not satisfy. The state prosecutor who has 70% or more convictions in relation to the total number of convictions passed in the same period satisfies, and the state prosecutor who had less than 30% of convictions in relation to the total number of convictions in the same period, does not satisfy. The state prosecutor who has 30% or more of accepted appeals in relation to the total number of appeals filed against acquittals and convictions which were revoked on those appeals of the state prosecutor in the same period satisfies, and the state prosecutor who has less than 30% of accepted appeals in relation to the total number of appeals against acquittals and convictions that were revoked on those appeals of the state prosecutor in the same period is not satisfactory.

Q053 (General Comment): Annual. through the Annual report of the work of Prosecutorial Council and State Prosecution Service
Q055 (2022): In accordance to the Law on State Prosecution Service, if the state prosecutor who was given the grade excellent is not promoted to a hierarchically higher state prosecutor’s office within a year from getting the grade excellent, he/she shall be entitled to the salary in the same category as the salary of the head of the state prosecutor’s office on the level where he/she discharges his duties.

Q060 (General Comment): Every court president can monitor the backlog through the reports made for it in the court information system. Also, the Supreme court monitors the number of those cases and conducts a number of activities to prioritize old cases in courts.
Q062 (General Comment): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica
Q062 (2022): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica
Q064 (General Comment): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.
In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was systematised.
Q064 (2022): Secretariat of the Prosecutorial Council; address: Oktobarske revolucije No. 78 81000 Podgorica
Q066 (General Comment): The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court.

Q066 (2024): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year for the previous year, and to publish it on the website of the court. The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court.
Q068 (General Comment): The president of the court is obliged to submit the report on the work of the court to the Judicial Council and the Ministry of Justice, no later than February 10 of the current year for the previous year, and to publish it on the court's website within that period. In addition to that, the president of the court prepares a semi-annually report on the work of the court. At the request of the Judicial Council, the president of the court is obliged to submit special - periodic report, within the deadline set by the Judicial Council.
The courts also submit special reports required for reporting to the European Union and international organizations, as well as to monitor the application of regulations. These obligations are prescribed by the Law on courts.
Q069 (General Comment): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the status and trends of crime in the previous year.

Q070 (2023): In 2022, the Methodology for preparation of the annual report was adopted, which is an official document for the preparation of the annual report that contains necessary data that are integral part of the annual activity report of the Prosecutorial Council and State Prosecution Office. The complete report is submitted to the Parliament of Montenegro for consideration, in accordance with Article 41, para. 4 of the Law on State Prosecution Office.
Q070 (2022): In 2022, the Methodology for preparation of the annual report was adopted, which is an official document for the preparation of the annual report that contains necessary data that are integral part of the annual activity report of the Prosecutorial Council and State Prosecution Office. The complete report is submitted to the Parliament of Montenegro for consideration, in accordance with Article 41, para. 4 of the Law on State Prosecution Office.
Q074 (General Comment): Ministry of Justice adopts the Rulebook on indicative benchmarks for determining the necessary number of judges and civil servants and state employees in court.
Q075-1 (2022): According to the Law on Judicial Council, a disciplinary offence is if judge does not accomplish 50% of quantity of work in relation to the average quantity benchmarks in particular category of cases, unless a judge provides a reasonable justification on reasons not accomplishing results in terms of quantity of work. Quantity benchmarks are established by Judicial Council
Q076 (General Comment): According to the Law on Judicial Council and Judges, criteria for assessment are expert knowledge and general capabilities for performing judicial function. The evaluation is used for the purpose of assessment of expertise, quantity and quality of work, ethical aspects, training needs, as well as for the purpose of promotion to the court of higher instance.

Q076 (2024): The evaluation of judges is carried out by the Commission for Evaluation of the Work of Judges, established by the Judicial Council. The evaluation committee consists of the president of the Supreme Court and four members of the Judicial Council, three of whom are judges and one is a distinguished lawyer. The decision on the evaluation of the judge's work is made by the Evaluation Commission, on the proposal of the council of judges for evaluating the work of judges, which consists of the president of the court in which the judge is evaluated and four judges from higher courts (hereinafter: the council of judges for evaluation). Councils of judges for evaluation are formed by the Judicial Council. The work of judges, except judges of the Supreme Court, is evaluated, every three years, in order to assess their expertise, quantity and quality of work, ethics and the need for training, as well as for the purpose of promotion to a higher court. Judges' work grades are excellent, good, satisfactory and does not satisfy. The criteria for evaluating the work of judges are:
professional knowledge, quantity and quality of work; trial preparation; ability to plan and effectively implement procedural actions and skills in conducting hearings; advanced training. The quantity and quality of work is evaluated based on the number of cases in progress, the number of completed cases, annulled decisions, the number of open hearings and hearings by the second-instance court, adopted control requests, decisions made within the legal deadline and the quality of explanations.
Based on the quantity of work, the judge will be graded unsatisfactory if his work results are more than 20% below the average standards of the quantity of work in a certain type of case set by the Judicial Council according to the size of the court, if the judge does not give justified reasons for this. The preparation for the trial is evaluated on the basis of precisely defined actions that should be carried out at the preparatory hearing and the evidence that should be presented with their concentration.
The ability to plan and effectively implement procedural actions is evaluated based on the judge's ability to organize and effectively execute procedural and other actions in accordance with the principle of efficiency and economy of the procedure, and the skill of conducting a hearing is based on the judge's ability to manage the hearing in a clear and comprehensible manner while respecting procedural rules. roles of the parties in the proceedings.
Professional training is evaluated based on all the activities a judge undertakes to improve and apply knowledge and methods in work.
2) general abilities for exercising the function of a judge: communication skills; ability to adapt to changed circumstances; participation in various professional activities; ability to organize and coordinate court employees.
Communication skills are assessed on the basis of showing respect for the parties, colleagues and employees of the court, in the performance of the judicial function. The ability to adapt to changed circumstances is assessed on the basis of the ability to adapt to structural and organizational changes in the court in which he performs the judicial function, changes in laws and procedural rules, as well as new technologies and work rules.
Participation in various professional activities is evaluated based on the judge's participation in trainings and other professional activities.
The ability to organize and coordinate court employees is assessed based on the judge's ability to cooperate, organize and control the work of advisers, interns and employees who work with him.

Q076 (2023): According to the Law on Judicial Council and Judges, criteria for assessment are expert knowledge and general capabilities for performing judicial function. The evaluation is used for the purpose of assessment of expertise, quantity and quality of work, ethical aspects, training needs, as well as for the purpose of promotion to the court of higher instance.

Q076-1 (2024): general criteria are set in the Law on Judicial Council and Judges, which MoJ drafts
Q076-1 (2023): general criteria are set in the Law on Judicial Council and Judges, which MoJ drafts

Q079-1 (2022): As regards to quantity of work, the state prosecutor shall be evaluated "not satisfactory" if the results of work are more than 20% below average benchmarks for quantity of work in particular category of cases which are determined by Prosecutorial Council according to the size of subject prosecution office, and unless a prosecutors do not provide justified reasons for that.
Q080 (2024): Law on the State Prosecutor, Official Gazette of the Republic of Montenegro, No.11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024 Article; and Articles 86-100
Q080-1 (General Comment): general criteria are set in the Law on State Prosecution, which MoJ drafts
Q080-1 (2024): general criteria are set in the Law on State Prosecution, which MoJ drafts
Q080-1 (2023): general criteria are set in the Law on State Prosecution, which MoJ drafts
Q081 (General Comment): Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.
State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.
Rulebook on orientation criteria for determining the required number of judges and other court officers adopts Ministry of Justice on the proposal of the Judicial Council
Q082-0 (2024): Currently document only in Montenegrin
Q082-0 (2022): https://www.gov.me/dokumenta/7af1b58d-a6aa-4e62-8de2-75979dd42d0c
Judicial Council remark: This plan's main activity is building the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin, "Informacioni Sistem Pravosuđa"). Due to the delays and problems with the company selected on the tender to build the system, we have decided to cancel the contract with them and search for other options. We were forced on this because they failed to deliver parts of the system and documentation on time, even after many prolongations and compromises from our side.
Q082-0 (2021): We are in the middle of realisation/programming phase for the new
information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosua). After
it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end
of 2023 (migration of data and training of users are last phases that would go in parallel). We have some delays on the project, due to
problems we have with the company we got on the tender, because they fail to deliver parts of the system and documentation on time.

Q082-0 (2020): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosuđa). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 2022 (migration of data and training of users are last phases that would go in parallel). We have some delays on the project, due to problems we have with the company we got on the tender, because they fail to deliver parts of the system and documentation on time.

Q082-2 (2024): We are improving the existing case management system by cleaning up existing data, adding new automated reports for court users, and introducing additional metadata about processes and phases. This helps us track quality and increase transparency across the judiciary.
Internally, we have developed a new module for handling misdemeanour cases. This module went live on 9 January 2025, and training sessions for staff in the respective courts began on the same date. Currently, the Higher Misdemeanour Court and the Misdemeanour Court in Budva (including branch offices in Bar and Ulcinj) have gone live with the new system. We plan to continue the rollout on a week-by-week basis to other branch offices in the south (under Budva's jurisdiction), followed by the northern region (Bijelo Polje and its branch offices), and ultimately the central region, aiming for full coverage of all Misdemeanour Courts. The functionality for random case assignment is already operational in courts where the new system is active.
We are encountering several challenges: limited staffing (only two ICT staff members within the Secretariat of the Judicial Council are responsible for user training across the entire country, encompassing 17 Misdemeanour Courts), no approved budget yet for additional engagement of external trainers or staff, outdated hardware in some courts, and a shortfall in administrative personnel that delays certain processes. Despite these obstacles, the rollout is ongoing, and we expect further improvements in efficiency and user adoption as the system continues to be implemented throughout the judiciary.
After achieving full coverage, we plan to update the entire system to the latest version of our technology stack. Additionally, due to staffing shortages in many courts, it remains difficult to collect and process historical (cause they need to collect around 50.000 data for cases) data for unresolved cases as of 1 January 2025. Once these data are gathered, however, we will be able to provide automated reporting functionality for Misdemeanour Courts—similar to the level already in place for regular courts.

Q082-2 (2023): Update of current system planned in 2024. Significant changes to the current IT system in the judiciary are planned with the implementation of PRIS version 2. This update will feature cleansed data, enhanced reporting capabilities, and the integration of misdemeanor courts. The new system is expected to become operational by the first quarter of 2025 at the latest.

Q082-2 (2021): The development of the system is in progress, the adoption of the software development phase is expected by the end of the first quarter. Full implementation of the judicial IT system is planned in the new ICT Justice Development Program 2021-2023. for the fourth quarter of 2022. However, it is quite realistic that the full implementation of the CMS system with user training will be completed by the end of 2023.
Q082-2 (2020): The development of the system is in progress, the adoption of the phase of realization of the development of the system is expected in the next month. The full implementation of the judicial IT System is planned in the new ICT Judiciary Development Program 2021-2023 for the fourth quarter of 2022.
Q085 (2023): misdemeanour cases are not part of this

North Macedonia
Q038 (2023): Pending cases increased due to the low clearance rate last year as a result of insufficient number of judges
Q038 (2022): Category 2. Please, see also the comment for Q 35. High number of judge retirements in 2022 caused by new compulsory age of retirement probably is the reason for higher number of unsolved cases. Also, in 2023 we are expecting more retirements of judges due to this reason.
Q038 (2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.

Q038 (2020): In the numbers on this question are not included cases connected with enforcement of criminal (and misdemeanor) cases.

Q039 (2024): The increase in the number of pending cases is result of insufficient number of judges.
Q039 (2023): Law clearance rate for civil and administrative cases is a result of insufficient number of judges.
Q039 (2022): Category 1 - In 2022 there was no reason for larger number of income cases as it was in 2021 (see explanation in previous cycle).

Q039 (2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.
Q040 (2024): The reduction in the number of pending cases is the result of new appointed judges which resulted with high clearance rate (above 100%)
Q040 (2023): Law clearance rate from previous year for severe criminal cases is a result of insufficient number of judges.
Q040 (2022): Category 1. In 2022, we still had some negative effects from Covid -19 virus on the proceedings before courts.
Q040 (2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.
Q041 (2022): It must be emphasized that the data are collected manually from the ICT system in all courts within North Macedonia. After that, the data are calculated manually in the courts and in the Ministry of justice (Excel calculation). Some of data are only from one court (for example: 130 days at first instance - trading in influence cases). 2/27 from courts didn't answer correctly to the tables, so 2 courts are excluded from calculations. According to this, the collection of data for these questions is without guarantees for total accuracy.
Q041 (2021): There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

Q041 (2020): There was not trading in influence cases in 2020 in the Macedonian courts.
There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.
Q041-2 (2024): In Article 49 from the Law on administrative disputes is prescribed that public prosecutor has right to submit the request for protection of legality.
In Article 6 of the Law on Public prosecution office is prescribed that in civil and other court proceedings, as well as in administrative proceedings, the public prosecutor undertakes legal actions for which he is authorized by law.
Q041-2 (2023): In Article 49 from the Law on administrative disputes is prescribed that public prosecutor has right to submit the request for protection of legality.
In Article 6 of the Law on Public prosecution office is prescribed that in civil and other court proceedings, as well as in administrative proceedings, the public prosecutor undertakes legal actions for which he is authorized by law.

Q041-3 (2024): Presented data are not on the category of cases but offenders.
This year we have available date for Penal warrant and indictment for children. Therefore we included this number in the category of resolved cases (Penal warrant-4345+ indictment 1188 + indictment application-4501+indictment for children-669=10703).
This year under the category „offender could not be identified“ we put NAP due to the fact that in our legal system these cases are ongoing and not discontinued. However, we count this cases under the category incoming cases/ 4546 as unknown offender.
Q041-3 (2023): Presented data are not on the category of cases but offenders.
Q041-5 (2024): There are included only this traffic offences that are defined as a criminal offences in the Criminal Code and not these traffic offences defined as misdemeanors.
Q041-5 (2023): There are included only this traffic offences that are defined as a criminal offences in the Criminal Code and not these traffic offences defined as misdemeanors.

Q042 (General Comment): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - Methodology for evaluation of the judgment's work on the basis of compliance of qualitative criteria for judicial work (adopted by the Judicial Council at the end of 2020). Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Also, the Matrix of monitoring indicators for the justice sector performance provides quality indicators. Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts. Qualitative criteria regarding the judicial work Article 80 (Law on Judicial Council) - The qualitative criteria for assessing the work of the judge are: - the quality of running the court procedure in which it is assessed: the ability to argumentation, readiness to conduct the hearing, compilation of minutes and hearing of parties, readiness to make procedural decisions, as well as the ability to resolve conflicts. - quality of prompt handling of court cases in relation to: respecting the legal deadlines for undertaking procedural actions in the procedure, respecting the legal deadlines for adopting, publishing and drafting the decisions, the duration of the court procedure; and - quality of the judge's work in the part of the number of reversed decisions due to a serious violation of the procedure in relation to the total number of resolved cases.
According to Article 37 of the Law on Public Prosecution, the criteria for evaluating the work of public prosecutors are:
- expertise and quality in decisions, legal remedies and other documents,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the position,
- cooperation and the relationship with the parties and other persons in the prosecution,
- ability and willingness for professional development and acquisition of new knowledge,
- organizational skills
With immediate insight into the work of the public prosecutors in question, it is determined:
- the number of received criminal charges, cases and submissions,
- the number of resolved criminal charges and cases within the deadline provided by law,
- the number of pending criminal charges and cases and the reasons for their non-resolution,
- the quality of the actions of the public prosecutor, public prosecutor's decisions,
adherence to legal formulations, ability to express in writing clearly and
precise reasoning of decisions. (Article 47 of the Law on Public Prosecution)

Q042 (2024): https://cpia.mk/mk/%d1%84%d1%83%d0%bd%d0%ba%d1%86%d0%b8%d0%be%d0%bd%d0%b0%d0%bb%d0%bd%d0%b0-%d0%b0%d0%bd%d0%b0%d0%bb%d0%b8%d0%b7%d0%b0-%d0%bd%d0%b0-%d0%be%d1%81%d0%bd%d0%be%d0%b2%d0%bd%d0%b8%d1%82%d0%b5-%d1%81%d1%83/

Q042 (2023): https://cpia.mk/mk/%d1%84%d1%83%d0%bd%d0%ba%d1%86%d0%b8%d0%be%d0%bd%d0%b0%d0%bb%d0%bd%d0%b0-%d0%b0%d0%bd%d0%b0%d0%bb%d0%b8%d0%b7%d0%b0-%d0%bd%d0%b0-%d0%be%d1%81%d0%bd%d0%be%d0%b2%d0%bd%d0%b8%d1%82%d0%b5-%d1%81%d1%83/

Q042 (2021): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - Methodology for evaluation of the judgment's work on the basis of compliance of qualitative criteria for judicial work (adopted by the Judicial Council at the end of 2020). Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Also, the Matrix of monitoring indicators for the justice sector performance provides quality indicators.
Q043 (2021): The Judicial council has a role according to the laws and new adopted bylaws that allow easier implementation of these standards.
The Rule-book for determining the fulfillment of the qualitative criteria for evaluation of judges prepared in accordance with Article 81 of the Law on Judicial Court was adopted on 21.12.2020 by the Judicial Council of North Macedonia. On 20.05.2021 the Supreme Court of North Macedonia at the general session of judges adopted a positive opinion regarding the proposed Methodology with indicators of the complexity of cases prepared in accordance with Article 85 paragraph 1 of the Law on the Judicial Council.
Additionally, with project “Supporting the Judicial Council in establishing Quality System for Evaluation of Judges”, financially supported by the Embassy of the Kingdom of the Netherlands, implemented by "The Center for Legal Research and Analysis(CLRA)" and Judicial Council were developed forms for determining the fulfillment of the qualitative criteria for the work of judges and guidelines for calculating the coefficients of complexity of court cases that are intended to support the Judicial Council in the proper implementation of bylaws.
- The new Law on the prosecution offices and amendments of the Law on the Public Prosecution Council from 2020 as well as new by-laws adopted in 2021 by the Public prosecutor of the Republic of North Macedonia and Public Prosecution Council allow better implementation of the standards.

Q058 (General Comment): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.
Other:1. Percentage of annulled decisions in relation to the total number of resolved cases(article 84 p.3-Law on Judicial Council) 2.Valuation according to the number of altered decisions made in relation to the total number of resolved cases(Article 87) Law on Judicial Council
Scoring of Qualitative Criteria Article 84
(3) The quality of the judge's work in the part of the number of reversed decisions due to significant violations of the procedure in relation to the total number of resolved cases in the period in which it is assessed shall be scored according to the following table:
Percentage of annulled decisions in relation to the total number of resolved cases Points
Up to 5% 25
From 5% to 10% 20
From 10% to 15% 15
From 15% to 20% 10
More than 20% 0
Valuation according to the number of altered decisions made in relation to the total number of resolved cases
Article 87
The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table:
Percentage of altered decisions in relation to the total number of resolved cases Points
Up to 5% 20
From 5% to 10% 15
From 10% to 15% 10

Q058 (2021): Law on Judicial Council
Scoring of Qualitative Criteria Article 84
(3) The quality of the judge's work in the part of the number of reversed decisions due to significant violations of the procedure in relation to the total number of resolved cases in the period in which it is assessed shall be scored according to the following table:
Percentage of annulled decisions in relation to the total number of resolved cases Points
Up to 5% 25
From 5% to 10% 20
From 10% to 15% 15
From 15% to 20% 10
More than 20% 0
Valuation according to the number of altered decisions made in relation to the total number of resolved cases
Article 87
The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table:
Percentage of altered decisions in relation to the total number of resolved cases Points
Up to 5% 20
From 5% to 10% 15
From 10% to 15% 10
From 15% to 20% 7
From 20%to 30% 4
More than 30% 0
Valuation according to the number of altered decisions made in relation to the total number of resolved cases
Article 87

Q060 (General Comment): Judicial Council on regular bases monitor backlog of cases.

Q061 (General Comment): According to the Law on courts and Court Rules of procedure the court president monitors the waiting time through the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure). For example in Law on civil procedure are prescribed deadlines for the labour disputes. Here is also the basic principle of a trial within a reasonable time. About the Public Prosecutor's, please see article 28 from the Law on Public Prosecutor's office: "Article 28 (1) The supervision of the lawful and timely execution of the public prosecutorial function of the lower public prosecutor's offices shall be performed by the higher public prosecutor's office. (2) The supervision of the lawful and timely execution of the public prosecutorial function of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be performed by the Public Prosecutor's Office of the Republic of North Macedonia. (3) The supervision of the administrative work of the public prosecutor's office shall be performed by the Chief Public Prosecutor of the Republic of North Macedonia. (4) The manner of supervision shall be determined by the rulebooks adopted by the Council of Public Prosecutors of the Republic of North Macedonia. (5) The regulations on the internal operation of the public prosecutor's offices shall be adopted by the Chief Public Prosecutor of the Republic of North Macedonia.

Q062 (General Comment): Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry of Justice and the State Statistical Office.
Q062 (2022): Judicial Council is responsible institution for collecting statistical data regarding the functioning of the courts. Certain statistical data are collected in the courts, the Supreme Court, Ministry of Justice and the State Statistical Office.
Q062 (2021): Also, certain statistical data are collected in the courts, the Supreme Court, the State Statistical Office and the Ministry of justice.
Q063 (General Comment): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.
State Statistical Office publishes detailed statistical data on its web site particulary in the field of criminal cases. All of these reports are available on the following web site: www.stat.gov.mk
Q063 (2021): Judicial Council for its work and workload in the courts on the web site: http://www.sud.mk/wps/portal/ssrm/sud/izvestai/
State Statistical Office publishes detailed statistical data on its web in the field of criminal cases on the web site: www.stat.gov.mk
Q065 (General Comment): Public Prosecution Office publishes its reports on the web site.
Q065 (2021): 1. Public Prosecutor's Office of the Republic of North Macedonia for its work and for the work of other Public Prosecutor's Offices publishes reports on the web site: https://jorm.gov.mk/category/dokumenti/izvestai/
2. Council of Public Prosecutors of the Republic of North Macedonia for the work on the web site:
http://sjorm.gov.mk/%d0%b3%d0%be%d0%b4%d0%b8%d1%88%d0%b5%d0%bd-%d0%b8%d0%b7%d0%b2%d0%b5%d1%88%d1%82%d0%b0%d1%98/
Q066 (General Comment): Reports are available on the following web site: www.sud.mk
Q066 (2021): Regular activity reports to: the Judicial Council, the Supreme court, Appellate courts, Ministry of Justice, State Statistical Office. An annual report of the Judicial Council to the Assembly.
Q067 (2021): Reports are available on the following web site: www.sud.mk
Q069 (General Comment): Reports are available on the following web site: www.jorm.gov.mk
Q069 (2021): Regular activity reports to: the Council of Public Prosecutors, Public Prosecutor's Office of the Republic of North Macedonia, Higher public prosecutor's offices, Ministry of Justice, State Statistical Office. An annual report of the Council of Public Prosecutors and an annual Report of the Public Prosecutor's Office of the Republic of North Macedonia, to the Assembly.
Q070 (2021): Reports are available on the following web site: www.jorm.gov.mk

Q074 (General Comment): The quantitative criteria for the performance of the judge are: - the scope of his work, which is valued by the number and type of resolved cases in relation to the orientation number of cases to be solved by the judge monthly obtained from the Automatic Judicial and Information System for Case Management. - the quantity of the judge's work in the section of altered decisions made in relation to the total number of resolved decisions. If the number of resolved cases by certain types of cases in relation to the envision orientation number is 100%, it is considered that the judge has met the quantitative criteria and is valued at 40 points. The higher or lower number of resolved cases in relation to the envision orientation number of cases is evaluated in such a way that for each 1% more or less started, the number of points referred to in paragraph 3 of this Article increases or decreases by 0.5 points ,but the total number of points cannot be more than 60 points, nor less than 20 points. The quantity of work of the judge in the part of the reversed and altered decisions is assessed through an insight into the automated computerized court management system by taking into consideration only the number of decisions against which legal remedies are allowed and they are altered due to misapplication of substantive law. The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table: Percentage of altered decisions in relation to the total number of resolved cases: Up to 5% - 20 points, from 5% to 10% - 15 points, from 10% to 15% - 10 points, from 15% to 20% - 7 points, from 20%to 30% - 4 points, more than 30% - 0 points.
Q075 (General Comment): Judicial Council is responsible body for setting the targets for judges.
Q075 (2023): Judicial Council according to the Law on Judicial Council is responsible body for setting the targets for judges. For more explanations, please see the general comment.

Q075 (2022): Judicial Council according to the Law on Judicial Council is responsible body for setting the targets for judges. For more explanations, please see the general comment.

Q076 (General Comment): The monitoring of the work of the judge and the president of the court is carried out by the Judicial Council through regular and extraordinary evaluation. The judge is evaluated according to the overall results of the success achieved in his work through the established qualitative and quantitative criteria by the Law on Judicial Council of the Republic of North Macedonia. The purpose of monitoring and evaluating the work of the judge and the president of the court is the affirmation of the judiciary as an independent authority, strengthening the personal motivation of judges, and ensuring the further professional development of judges based on their personal and professional abilities without any influence, as well as strengthening the independence and impartiality of judges when performing their judicial function. Assessment is one of the criteria for the promotion to judge in a higher court. Also, negative grades in the process of assessment is a grounds for disciplinary procedure against a judge.

Q076 (2020): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.

Q076-1 (General Comment): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.
Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council. On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.
Link to the Methodology:
http://www.vsrm.mk/wps/wcm/connect/ssrm/c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47/%D0%9C%D0%95%D0%A2%D0%9E%D0%94%D0%9E%D0%9B%D0%9E%D0%93%D0%98%D0%88%D0%90+%D0%97%D0%90+%D0%9E%D0%A6%D0%95%D0%9D%D0%A3%D0%92%D0%90%D0%8A%D0%95+%D0%9D%D0%90+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%90%D0%A2%D0%90+%D0%9D%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%88%D0%90+%D0%92%D0%A0%D0%97+%D0%9E%D0%A1%D0%9D%D0%9E%D0%92%D0%90+%D0%9D%D0%90+%D0%98%D0%A1%D0%9F%D0%9E%D0%9B%D0%9D%D0%95%D0%A2%D0%9E%D0%A1%D0%A2+%D0%9D%D0%90+%D0%9A%D0%92%D0%90%D0%9B%D0%98%D0%A2%D0%90%D0%A2%D0%98%D0%92%D0%9D%D0%98%D0%A2%D0%95+%D0%9A%D0%A0%D0%98%D0%A2%D0%95%D0%A0%D0%98%D0%A3%D0%9C%D0%98+%D0%97%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%A1%D0%9A%D0%9E%D0%A2%D0%9E+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%95%D0%8A%D0%95.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE.Z18_L8CC1J41L0B520APQFKICD0CR4-c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47-kZargVy

Q076-1 (2024): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.
Q076-1 (2023): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.
Q076-1 (2022): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.
Q076-1 (2021): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure,
there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.
On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for
qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.

Q076-1 (2020): On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.

Q080-1 (General Comment): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. EVALUATION CRITERIA from Law on the Public Prosecution office are following: Article 37
The evaluation criteria for the performance of public prosecutors shall be the following:
- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities."

Q080-1 (2024): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. For more, please see the general comment.

Q080-1 (2023): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. For more, please see the general comment.

Q080-1 (2022): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. For more, please see the general comment.

Q080-1 (2020): Criteria for individual assessment of the public prosecutor's work are set in the new Law on Public Prosecution office from 2020 and the new Rulebook for evaluation of the work on the public prosecutor's, which adopt Chief Public Prosecutor of the State Public Prosecution office. Law on Public Prosecution office (2020) - EVALUATION CRITERIA
Article 37
The evaluation criteria for the performance of public prosecutors shall be the following:
- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities.

Q081 (General Comment): Article 36
The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.
If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.
The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia.
If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.
The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia.
The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public prosecutor of that prosecutor's office.
The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the basic public prosecutor of that prosecutor's office.
The evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office.
The evaluation of the performance of the public prosecutor may be positive or negative.
Q081 (2024): The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years. For more explanations please, see the general comment.
Q081 (2023): The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years. For more explanations please, see the general comment.
Q081 (2022): The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years. For more explanations please, see the general comment.

Q081 (2020): Article 36
The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.
If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.
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If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.
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The evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office.
The evaluation of the performance of the public prosecutor may be positive or negative.

Q082-0 (2024): The last ICT Strategy for judiciary covered the period 2019-2024, currently the ICT Council at the Ministry of Justice is preparing a new ICT Strategy for judiciary 2025-2030

Q082-0 (2023): The strategy for ICT in the judiciary was adopted in 2019 for the time period of 2019-2024.
The strategy expired in 2024. It is still being implemented, and this year, the Council for ICT in the Judiciary will start a procedure for adopting a new strategy for the next 5 years, as well as new revised operational plan.
At this moment there is no new strategy and no new operational plan.
During 2023, according to the operational plan for digitization in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records, creation of the E-delivery platform, which will establish full two-way communication between the courts and all parties, i.e. state authorities and institutions, development of the platform for a mobile application, which will enable unhindered access of the parties to the electronic file of the case, as well as the creation of web services with 12 state organs and institutions.
According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts in 2023, namely:
1. Upgrade and installation of the Femida True Records system for audio recording in civil courts and audio-video recording in criminal courts.
- upgrade means the installation of Femida True Records or SRS Femida software, based on an existing Femida license installed on a computer in the courts (through previous purchases), regardless of whether it is currently in operation or not;
- a new license implies the installation of Femida True Records or SRS Femida software on an additional number of computers, which are not included in the number of existing licenses in the courts.
2. Procurement and replacement of hardware equipment for the courts – 410 computers.
3. Current maintenance of the hardware and software for the operation of the ACMISS system and the equipment for issuing certificates from criminal records.
4.Upgrade and ongoing maintenance of centralized hardware and system software for centralized backup/restore of the court database.
5. Restoration of Kaspersky Anti-virus and Trend Micro inter Scan messaging for personal computer protection in the court system and Gateway virus protection in the Supreme Court of RNM.
6. Ongoing maintenance of software for recording events by collating logs from ICT devices located in the Supreme Court of the RNM.
Creation of a mobile application for access to the electronic file of the case - a service for reviewing the files in the case by the parties in the procedure. Service for a complete review of a court case by the parties in the case (prosecutors, lawyers and all involved parties, natural and legal persons). Web Portal and mobile application through which each of the parties after prior authentication (service for identification of persons at the MIOA state level) can view all data and acts in the case that are available to the parties. DETAILED DESCRIPTION OF THE SERVICE AND BASIC FEATURES
Possibility for reviewing of all data and documents from the court case for the participants in the case from the court web portal and mobile application.

Q082-0 (2022): The strategy for ICT in the judiciary was adopted in 2019 for the time period of 2019-2024.
Digitization, digital transformation and the increasing development of information technology inevitably led to it being integrated in all the pores of the justice system, and especially in the last 2 years, through digital transformation in all courts and public prosecutor's offices by developing new web pages for the courts, with hardware and software for audio recording, system for audio visual recording, electronic issuance of documents, creation of web services, software development and case management, as well as platforms for two-way communication between the courts and the parties and access to the electronic file of the case.
Given that the strategy has a time period until 2024, it is still being implemented, and this year, the Council for ICT in the Judiciary will start a procedure for adopting a new strategy for the next 5 years, as well as new revised operational plan.
At this moment there is no new strategy and no new operational plan.
Q082 (2021): The CMS has an integrated data generator that provides data on received, resolved or unresolved cases brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.
Q082-2 (2024): Within the framework of the prosecution office, a project for a completely new CMS has been launched. In this regard, multi-layered in-depth investigations have been carried out in the field and an analysis of the functioning and functionality of the existing system has been made. It has been concluded that it is outdated and cannot be upgraded, but a completely new system is needed that will satisfy modern communication flows with other state bodies as well as the court, and will enable both a rapid flow of information and the purposeful preservation of data as a Register and meta data from each criminal case separately, regardless of which Register the case is entered into, with the possibility of horizontal and vertical movement of the case. Given that it is a joint project of the state and the EU, supported by the EU Rule of Law Mission, it has an international character and a short listing has been prepared for companies that would participate in the procedure, with an announcement for international companies to be able to participate in it. It is expected to be used in production in 2027.
01.07.2027 Acceptance
01.11.2027 Maintenance under contract
01.12.2028 Approval of the final report
01.09.2027 Second year of the warranty
01.09.2028 Final acceptance
01.11.2027 Second year of the warranty
01.11.2028 Third year of the warranty
Q082-2 (2023): During 2023, according to the operational plan for digitization in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records, creation of the E-delivery platform, which will establish full two-way communication between the courts and all parties, i.e. state authorities and institutions, development of the platform for a mobile application, which will enable unhindered access of the parties to the electronic file of the case, as well as the creation of web services with 12 state organs and institutions.
According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts

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Creation of a mobile application for access to the electronic file of the case - a service for reviewing the files in the case by the parties in the procedure. Service for a complete review of a court case by the parties in the case (prosecutors, lawyers and all involved parties, natural and legal persons). Web Portal and mobile application through which each of the parties after prior authentication (service for identification of persons at the MIOA state level) can view all data and acts in the case that are available to the parties. DETAILED DESCRIPTION OF THE SERVICE AND BASIC FEATURES
Possibility for reviewing of all data and documents from the court case for the participants in the case from the court web portal and mobile application.
Availability of the service:
- Computer, laptop - view via browser
- Mobile devices (phone) – separate mobile application.
The service will provide the following subject data:

Q082-2 (2021): PLANNED ACTIVITIES FOR DIGITALIZATION OF THE JUDICIARY
Introduction of the concept of online trials and digitalization in the existing legal framework Amendments to the Law on Civil Procedure
Amendments to the Law on Criminal Procedure
Amendments to the Law on Justice for Children
Amendments to the Law on Administrative Disputes
Amendments to the Court Rules of Procedure
Providing hardware equipment for the courts
Analysis of existing equipment and determination of needs Defining performance for required equipment Procurement of equipment
Introduction of a platform for promoting transparency in 5 pilot courts Preparation of a specification for the performance of the platform
Installation of the platform in 5 pilot courts - Basic Court Skopje 1 Skopje, Basic Court Skopje 2 Skopje, Basic Court Stip, Basic Court Kavadarci and Basic Court Strumica
Provision of equipment for audio-visual recording and remote trial Analysis of the use of advanced electronic tools in the courts
Analysis of the use of advanced electronic tools in the courts
Preparation of an overview of the number of courtrooms that will be equipped
Defining the type of required audio-visual equipment
Procurement and installation of equipment in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution
Introduction of a remote trial platform and a medium for recording and storing audio-visual recordings
Analysis of the use of advanced electronic tools in the courts
Making a specification for the performances of the platform
Procurement and availability of the platform in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution
Introduction of a platform for two-way electronic communication for interoperability (E-delivery)
Making a specification for the performance of the platform
Procurement and installation of the platform
Introduction of a platform for issuing electronic documents (certificates, confirmations etc.) Software performance analysis
Software development
Amendments to the Court Rules of Procedure
Rulebook for using the platform

Q082-2 (2020): The process on upgrading of the existing system or introducing on a new case management system in the judiciary is on the beginning. First step will be preparation on assessment on the functionality of the existing system, after what it will be decided about upgrade of the existing system or introducing on a completely new CMS.

Serbia

Q036 (General Comment): Non-contentious proceedings are prescribed by the Law on Non-Contentious proceedings and include regulation of personal status (deprivation of legal capacity), regulation of family matters (extension of parental rights), proceedings regulating property relations (inheritance proceedings, division of common assets or property). Further, according to the Law on Companies, the court in non-contentious proceedings decides in methods of determining the value of non-monetary contribution of company's stakeholders, the proceedings at the request of the stakeholders of the Company in terms of the agenda and the proceedings at the request of the authorized nominators for holding regular company sessions.
The Law on Rehabilitation ("Official Gazette of RS", no. 92/2011) regulates rehabilitation and legal consequences of rehabilitation of persons deprived of life, liberty, and other rights for political, religious, national, or ideological reasons, up to the day this law entered into force. A higher court decides on a request for rehabilitation, based on the right to file a request for rehabilitation due to violation of the abovementioned rights, which expired on December 15, 2016.
All enforcement cases are stated in the category 2.1.
2.2.1. Non litigious land registry cases – NAP as this competence has been transferred from the courts to the Real Estate Cadastre and Republic Geodetic Authority, a special administrative organisation.
2.2.2 Non-litigious business registry cases – NAP as this competence has been transferred to the Serbian Business Registers Agency (“SBRA” / Serbian: “APR”), which in accordance with the Law on Business Entities Registration (operative as of 1/1/2005): Register of Companies (in effect as of 1 January 2005), Register of Entrepreneurs (in effect as of 1 January 2006), Register of Foreign Representative Offices (in effect as of 1 January 2006). Running centralized registers in a single institution such as the SBRA, which has jurisdiction over the entire territory of the Republic of Serbia, provides standardized registration practices.

Q037 (General Comment): Incoming and outgoing cases of international legal cooperation, letters rogatory in civil and commercial matters -Incoming and outgoing cases of international legal cooperation, letters rogatory in civil and commercial matters,
-Certification of documents, certification of documents intended for use abroad (according to the Hague Convention), issuance of various certificates, eg. on deprivation of legal capacity, on deprivation of parental rights.
NOT INCLUDED: The Law on Bankruptcy (“Official Gazette of RS“, no. 104/09) prescribes that the Government shall regulate the content and procedure for registration and management of the Bankruptcy Estate Register, etc. by the authority competent for managing this register – the Business Registers Agency (SBRA – APR). The Bankruptcy Estate Register began to operate on 23 January 2010. The Bankruptcy Estate Register is a single, centralized, electronic database on bankruptcy estates, on which the competent courts have reached a decision after 23 January 2010.
Q038 (General Comment): We excluded misdemeanor cases (364.414) in the category other cases.
Q038 (2024): Following the CEPEJ clarification, the figures initially submitted under Q38 were revised. Administrative acts (e.g. issuance of certificates, parole procedures) previously included in the total number of criminal cases have now been excluded in compliance with the CEPEJ methodology.
Q038 (2023): Official information obtained by the Supreme Court
According to the CEPEJ methodology we we excluded the requested category of misdemeanor cases
Q038 (2022): All answers were provided by the competent institution (Supreme Court of Cassation)

Q038 (2021): The transition to a new case management system is the cause of uneven numbers. We will provide a more detailed explanation as soon as possible.
"Higher courts:
- International letters rogatory - incoming and outgoing in criminal matters, international letters rogatory in criminal matters for the provision of general types of international legal assistance
- Educational (supervision) orders, educational measures and security measures (educational orders and execution of educational orders and security measures)
- Execution of imprisonment in the Department for Organized Crime and the Department for War Crimes (Decisions of the President of the Court instructing, extending or revoking serving a prison sentence in the Special Department of the Pozarevac Penitentiary)
- Register of Criminal Extrajudicial Chambers (deciding on appeals in the first instance against pre-trial judge's decisions, confirmation of indictments, deciding on motions of parties and acting judges, decisions on appeals against prosecution decisions on costs, and other in the regular criminal department, Department for organized crime, the Department for War Crimes, the Department for Juveniles, the Department for the Suppression of Corruption)
- Records on juvenile perpetrators of criminal offenses who were sentenced to an educational measure, educational order, security measure, accommodation in a correctional facility, imprisonment (criminal records for juveniles are kept by the court)
- Requests for amnesty (regular criminal department, organized crime department, war crimes department)
- Register of decisions of pre-trial judges regarding the proposals of the prosecutor's office for ordering detention or other measures (regular criminal department, organized crime department, war crimes department, cyber crime, anti-corruption department) - Register of pre-trial judges for various actions during the prosecutorial investigation (regular criminal department, organized crime department, war crimes department, high-tech crime, anti-corruption department)
- The register regarding criminal cases, but not to specific court cases, forwarded to the competent court or prosecutor's office, or answers, for instance to the Ministry of Interior if they need some data from criminal registers regarding persons against whom proceedings were or are being conducted, etc. (regular criminal department, Department for Organized Crime, Department for War Crimes and Department for Juveniles, Department for Suppression of Corruption)
- Requests for recognition of a foreign court decision, requests for extradition (regular criminal department, organized crime department, war crimes department)
- Requests for parole (Regular Criminal Department, Organized Crime Department, War Crimes Department, Juvenile Department, Anti-Corruption Department)
- Register of the judge for execution of criminal sanctions: complaint, appeal, request for judicial protection, report of the judge for execution of criminal sanctions, notification, request, etc. submitted by convict, detainee, institute for execution of criminal sanctions, attorney and others.
- Requests for temporary confiscation of property (regular criminal department, organized crime department, war crimes department, anti-corruption department)
- Requests for permanent confiscation of property (regular criminal department, organized crime department, war crimes department)
- Incoming international letters rogatory in criminal matters (through the competent authorities or directly, in the regular criminal department, the Department for Organized Crime, the Department for War Crimes, the Department for the Suppression of Corruption)

Q039 (General Comment): Courts deciding in the second instance (on appeal) in the "non-criminal" cases, as courts of general jurisdiction are: Higher courts: they decide upon the decisions in civil disputes and the judgment in small claims and the non-contentious proceedings.
Appellate courts: upon the decisions of higher courts and judgements of the basic courts in civil disputes unless deciding on appeals is not under the competence of higher court.
Commercial Court of Appeal: second instance commercial proceedings involving appeals, conflict and delegation of jurisdiction between commercial courts.
Misdemeanour Court of Appeal: proceedings involving appeals against first instance decisions of misdemeanour courts in cases related to whistle-blowers and conflict and delegation of jurisdiction between misdemeanour courts (cases not misdemeanour as such).
There is no second instance in administrative disputes.
With regard to "non-litigious cases", and more particularly "other non-litigious cases", it should be pointed out that, in 2015, amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction.

Q039 (2024): Official information obtained by the Supreme Court
Q039 (2023): Official information obtained by the Supreme Court
Q039 (2022): 1.The lower number of incoming cases in second instance in 2022 is primarily explained by the decrease of incoming civil and commercial cases in basic and commercial courts. During 2019, 2020 and 2021 there was a large number of specific type of cases related to the costs of bank loans. After supplementing the legal position of the Supreme Court of Cassation from September 16, 2021, number of these cases gradually decreases. However, due to the mentioned repetitive cases (litigation for reimbursement of costs
bank loans), second instance courts were unable to handle such a large influx from the previous year (regardless of the fact that the inflow in 2022 was lower), so the number cases increased.

Q039 (2021): Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija. The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.
With regard to this question for more insight please see the analysis provided within the Annual Report on Work of Courts for 2021:
OVERVIEW OF THE NUMBER OF PENDING CASES BEFORE COURTS IN THE REPUBLIC OF SERBIA
2017.2018.2019.2020.2021.
TOTAL AT THE NATIONAL LEVEL - ALL CASES1,911,0861,701,5801,656,6451,510,4721,498,237
TOTAL AT THE NATIONAL LEVEL - EXCEPT ENFORCEMENT1,118,2011,024,5211,072,1561,209,6311,450,878
Table 7
* Figures for basic courts include Registers I, Iv while commercial courts include all enforcements
The number of pending cases – except enforcement – increased when compared to 2017, as a result of the increased number of cases received in the last five years (more than two and half million cases above the expected inflow) that the judicial system couldn't absorb completely. Since there was no timely systemic reaction to the enormously increased number of incoming cases, while at the same time, the number of court staff decreased and new employment was banned, or was limited, courts did not manage to stop the trend of increase of the number of pending cases, since 2018 (1.024.521). In 2019, the number of pending cases slightly increased, however, in 2020 there was a significant increase of pending cases in trial matters due to extraordinary circumstances and implementation of measures for protection of population from the pandemic, which is why the courts in the Republic worked with significantly reduced capacities.
The trend of increasing the number of pending cases continued in 2021, caused by the additional burden on the court system with so far the largest inflow of cases, which was mostly reflected in the number of pending cases in basic and misdemeanour courts.
The ratio of incoming, disposed and pending cases at the end of 2021 comparing to the previous reporting periods, shows a decreased number of pending cases (1,498,237) and increase of the number of disposed cases (2,415,672) resulting from the increased engagement of judges and judicial staff, although in circumstances of the enormous increase of inflow (2,402,486).
The ratio of incoming, disposed and pending cases in the period from 2017 to 2021 shows a continuously decreasing number of pending cases, a slight decrease in the number of disposed cases in 2020, and a sharp increase in 2021, by 401,843 more cases than in the previous year, as well as a variation in the number of incoming cases, with the largest escalation recorded in 2021, by 534,575 more cases compared to the previous year.
The increase in the number of incoming and disposed cases indicates excessive workload of judges and court staff, despite the systematic measures taken to reduce the number of backlog cases in courts.

Q039 (2020): The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.
Q040 (2024): Official information obtained by the Supreme Court
Q040 (2023): Official information obtained by the Supreme Court
Q040 (2022): All answers were provided by the competent authority

Q040 (2021): Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija. Register of appeal cases with regard to confiscation of property (including cases of organized crime), cases regarding requests for release on parole, different criminal cases regarding minors, cases regarding extradition and transfer of convicted persons in ordinary criminal cases, (also in cases of organized crime and war crimes), extension of detention in cases of cyber crime, different decision of the extrajudicial chamber, cases regarding transfer of cases to other courts.
Q041 (General Comment): In order to calculate the average length of the court proceedings in days for the first and second instance, for insolvency, the following formula was used: pending / resolved * 365
Q041 (2024): As already stated in previous reports only data on the insolvency cases is available (according to the calculation of the Commercial Appellate Court). The notable decrease in the average duration of second-instance proceedings (41 days in the 2025 report compared to 52 days in the 2024 report) is primarily due to the resolution of several long-standing bankruptcy cases, some of which had been pending for more than 20 years.
These cases concerned former socially-owned enterprises (including banks) whose assets were located in various republics of the former SFRY. Since the Agreement on Succession Issues did not address this matter, bankruptcy proceedings against such entities could not be concluded for years before the Commercial Court of Appeal.
In 2023, the Supreme Court issued four legal opinions in the field of commercial law, which facilitated the resolution or suspension of a number of these long-pending cases (see: https://www.vrh.sud.rs/sr/2023-0). This had a direct impact on reducing the average duration of proceedings before the second-instance commercial court.
According to the CEPEJ formula:
In 2023: 396 cases were resolved and 56 remained pending → average duration: 51,61 days
In 2024: 351 cases were resolved and 39 remained pending → average duration: 40,55 days
Q041 (2023): As already stated in previous reports only data on the insolvency cases is available (according to the calculation of the Commercial Appellate Court)
Q041 (2020): It is not possible to provide automatically this information. The AVP application enables certain information but in order to provide this information the courts need to make multiple individual inquiries in order to get the requested data – such is the case with the Litigious divorce case. It is even more difficult to gather information for Employment dismissal cases – all employment cases are registered within the same register so it would be very difficult for courts to extract the requested type of cases- dismissal cases. Therefore the information requested in this table in most cases is not available.
These data are not automatically available. They refer to registers given within the question 35 (Civil (and commercial) litigious cases. Not all of these cases can be submitted to the third instance (extraordinary legal remedies) . The length of the proceedings is calculated for each instance according to CEPEJ Disposition Time formula and not an average length.

Q041-3 (2024): According to the Public Prosecution statistical reporting methodology, all data presented in this table refer to number of known adult suspects/defendants, and not to the number of cases.
Data presented in 3.2 "Concluded by a penalty or a measure imposed or negotiated by the public prosecutor" were excluded from the total of processed cases, since that data is already included in 3.3 "Cases brought to court" to avoid double counting.
Q041-3 (2023): According to the Public Prosecution statistical reporting methodology, all data presented in this table reffer to number of known adult suspects/defendants, not to overall number of cases.

Q041-4 (2024): According to the Criminal Procedure Code, every plea agreement, wheather it`s concluded before or during the main trial, needs to be confirmed by the court and it is the only way to conclude the case by this procedure.
Information on number of guilty plea procedures reffer to number of suspects/defenfants who concluded plea agreements with the Public Prosecution which were confirmed by the court in 2023.
Please note that improsonment is foreseen as a sanction for every criminal act envisaged by the Criminal Code.
Depending on the gravity of criminal act, imprisonment is foreseen in defferent forms: as the only sanction, together with the money fine or alternatively to the money fine. For that reason, it is not possible to make a distinction between severe and misdemeanour/minor criminal case as described in the Explanatory note.
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the money fine or alternatively to the money fine. For that reason, it is not possible to make a distinction between severe
and misdemeanour/minor criminal case as described in the Explanatory note.
Q042 (General Comment): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.
The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.
The criteria for evaluating judges' performance are quality and quantity. The quality of work shows the ability and knowledge of the judge in the application of substantive and procedural law, while the quantity of work shows the efficiency in solving cases.
The benchmarks for evaluating the quality of work of judges are the percentage of decisions revoked and the time necessary to bring decisions. Quality evaluation is done by establishing for each benchmark an individual grade, and on the basis of established individual grades, the evaluation of the quality of work of judges is determined. Individual marks for the quality of work benchmarks are: "extremely successful", "successful" and "not satisfactory".
The criterion for evaluating the quantity of judges' work is a monthly standard, and for judges who do not have a sufficient number of cases in the work, the number of cases solved from the total number of cases in the work.
The benchmark of the judges' work is evaluated by the individual grade "extremely successful", "successful" and "not satisfactory". The judgments related to the evaluation of the judge's work are "extremely successful in performing the judicial function", "successfully performing the judicial function" and "not satisfactory".
Rulebook on criteria and standards for assessing the expertise, competence and worthiness of candidates in the process of proposing and selecting holders of public prosecutor's office: 43/2015-31, 80/2016-81 (other rulebook)

Q042 (2024): Basis: Rulebook on criteria, standards and procedure for evaluating the work of judges and presidents of courts – HJC.
The purpose of evaluating the work of judges is to improve the efficiency of the judicial system, to preserve and improve the expertise, competence and responsibility of judicial office holders, to encourage them to achieve the best work results, and to increase public confidence in the work of judges and courts.
The Rulebook establishes that the evaluation of the work of judges and presidents of courts is expressed by a grade. The work of judges with permanent function and presidents of courts is regularly evaluated once every three years, and judges who have been elected for the first time once a year. Exceptionally, based on the decision of the Supreme Court, the work of judges and court presidents can be evaluated in an extraordinary manner.
The criteria for evaluating the judges' work are quality and quantity. The quality of the work shows the ability and knowledge of the judge to apply substantive and procedural law, while the quantity of work shows the efficiency in resolving cases.
The criteria for evaluating the quality of judges' work are the percentage of annulled rulings and the time it takes to make decisions. The evaluation of quality is carried out by determining an individual grade for each criteria and based on the established individual grades, the evaluation grade of the work of the judges is determined. The individual grades for the work quality criteria are: "extremely successful", "successful" and "not satisfactory".
The criteria for evaluating the quantity of judges' work is the monthly norm, and for judges who do not have a sufficient number of cases in their work, it is the number of cases resolved out of the total number of cases in their work.
Rulebook on criteria and standards for assessing the expertise, competence and worthiness of candidates in the process of proposing and selecting holders of public prosecutor's office: 43/2015-31, 80/2016-81 (other rulebook)
Q042 (2023): Basis: Rulebook on criteria, standards and procedure for evaluating the work of judges and presidents of courts – HJC.
The purpose of evaluating the work of judges is to improve the efficiency of the judicial system, to preserve and improve the expertise, competence and responsibility of judicial office holders, to encourage them to achieve the best work results, and to increase public confidence in the work of judges and courts.
The Rulebook establishes that the evaluation of the work of judges and presidents of courts is expressed by a grade. The work of judges with permanent function and presidents of courts is regularly evaluated once every three years, and judges who have been elected for the first time once a year. Exceptionally, based on the decision of the Supreme Court, the work of judges and court presidents can be evaluated in an extraordinary manner.
The criteria for evaluating the judges' work are quality and quantity. The quality of the work shows the ability and knowledge of the judge to apply substantive and procedural law, while the quantity of work shows the efficiency in resolving cases.
The criteria for evaluating the quality of judges' work are the percentage of annulled rulings and the time it takes to make decisions. The evaluation of quality is carried out by determining an individual grade for each criteria and based on the established individual grades, the evaluation grade of the work of the judges is determined. The individual grades for the work quality criteria are: "extremely successful", "successful" and "not satisfactory".
The criteria for evaluating the quantity of judges' work is the monthly norm, and for judges who do not have a sufficient number of cases in their work, it is the number of cases resolved out of the total number of cases in their work.
Rulebook on criteria and standards for assessing the expertise, competence and worthiness of candidates in the process of proposing and selecting holders of public prosecutor's office: 43/2015-31, 80/2016-81 (other rulebook)

Q048 (General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports.
Q049 (2024): Six month and annual report
Q049 (2023): Six month and annual report
Q049 (2022): Six month and Annual report
Q049 (2021): According to the Court Rules of Procedure(Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19, 93/19 and 18/22), courts semi-annually and annually prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports.
Q050 (General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports.
The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports.

Q051 (General Comment): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).
Q053 (General Comment): The Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016,), provides that the purpose of evaluation of judges and court presidents’ performance is to enhance efficiency of the judicial system, preserve and improve expertise, capacities and accountability of judges and court presidents, encourage judges and court presidents to achieve best possible work performance, maintain,strengthen public trust in the work of judges and courts, and career advancement.
Q056 (General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council.

Q056 (2024): In case of multiple replies, please specify the role of each institution involved: The competences of the four relevant institutions are regulated by the Law on organization of Courts (“Official Gazette RS”, No.10/23) and the Court Rules of Procedure (“Official Gazette RS”, No. 110/2009, 70/2011, 19/2012, 89/2013, 96/2015, 104/2015, 113/2015 - corrected., 39/2016, 56/2016, 77/2016, 16/2018, 78/2018, 43/2019, 93/2019 i 18/2022). Courts file their reports to all four institutions. The Supreme Court reviews the application of law and other regulations, and the work of courts. The judicial administration tasks are carried out by the High Judicial Council and the Ministry responsible for the judiciary. The judicial administration tasks carried out by the Ministry responsible for the judiciary are: monitoring the work of courts; collecting statistics and other data; approval of court rules on internal organization and job classification; supervision of proceeding in cases within statutory time limits and acting on complaints and petitions; the proposing of the part of the budget intended for investments, projects and other programmes for operation of judicial authorities; ensuring spatial requirements, equipment supply and security of courts; oversight of financial and material operations of courts and the High Judicial Council; organisation and development of the judicial IT system; organisation, development and maintenance of the database of legal enactments; development and implementation of capital projects and other programmes for judicial authorities; appointment and dismissal of expert witnesses and court interpreters. The judicial administration-related duties performed by the High Judicial Council are: determination of general guidelines on the internal court organisation; maintaining personal records of judges, lay judges and court staff, the proposing of the part of the budget intended for operation of courts relating to running costs, and allocation of these funds; control of authorised spending of budgetary funds and oversight of financial and material operations of courts. The Ministry responsible for the judiciary exercises supervision over the implementation of the Court Rules of Procedure. According to the Court Rules of Procedure (article 9v), higher court evaluates the performance of the lower court.

Q056 (2023): The competences of the four relevant institutions are regulated by the Law on organization of Courts (“Official Gazette RS”, No.10/23) and the Court Rules of Procedure (“Official Gazette RS”, No. 110/09, 18/22). Courts file their reports to all four institutions. The Supreme Court reviews the application of law and other regulations, and the work of courts. The judicial administration tasks are carried out by the High Judicial Council and the Ministry responsible for the judiciary. The judicial administration tasks carried out by the Ministry responsible for the judiciary are: monitoring the work of courts; collecting statistics and other data; approval of court rules on internal organisation and job classification; supervision of proceeding in cases within statutory time limits and acting on complaints and petitions; the proposing of the part of the budget intended for investments, projects and other programmes for operation of judicial authorities; ensuring spatial requirements, equipment supply and security of courts; oversight of financial and material operations of courts and the High Judicial Council; organisation and development of the judicial IT system; organisation, development and maintenance of the database of legal enactments; development and implementation of capital projects and other programmes for judicial authorities; appointment and dismissal of expert witnesses and court interpreters. The judicial administration-related duties performed by the High Judicial Council are: determination of general guidelines on the internal court organisation; maintaining personal records of judges, lay judges and court staff, the proposing of the part of the budget intended for operation of courts relating to running costs, and allocation of these funds; control of authorised spending of budgetary funds and oversight of financial and material operations of courts. The Ministry responsible for the judiciary exercises supervision over the implementation of the Court Rules of Procedure.
According to the Court Rules of Procedure (article 9v), higher court evaluates the performance of the lower court.

Q057 (General Comment): RULEBOOK ON ADMINISTRATION IN PUBLIC PROSECUTIONS, Article 27
The Public Prosecutor's Office is obliged to prepare a report on the work of the Public Prosecutor's Office for the previous year by February 1 of the current year and submit it directly to the higher Public Prosecutor's Office.
The Republic Public Prosecutor determines the data to be entered in the report on the work of the Public Prosecutor's Office.
The report of the immediately higher public prosecutor's office also contains the reports of lower public prosecutor's offices.
Work reports are discussed at the Collegium, i.e. in the departments of the prosecution, before being submitted directly to the higher public prosecutor's office.
Q057 (2024): In case of multiple replies, please specify the role of each institution involved: Jobs of the judicial administration in the public prosecutor's office
Article 42
The judicial administration is responsible for ensuring the execution of laws and other regulations related to the organization and work of the public prosecutor's office.
The work of the judicial administration is carried out by the High Council of Prosecutions and the ministry responsible for justice. The tasks of the judicial administration performed by the High Council of the Prosecution are: supervision over the implementation of the act on administration in the public prosecution, determination of general guidelines for the internal regulation of the public prosecution; issuing an instruction on compiling a report on the work of the public prosecutor's office; monitoring the work of the public prosecutor's office; statistical and analytical processing of data on the work of the Public Prosecutor's Office in order to increase the quality and efficiency of the work of the Public Prosecutor's Office; adoption of by-laws from its jurisdiction; giving an opinion on the rulebook on the internal organization and systematization of jobs in the public prosecutor's office; taking care of truthful, timely and complete information to the public about the work of the public prosecutor's office; maintaining the personal file of the holder of the office of public prosecutor and other tasks determined by law.
The tasks of judicial administration performed by the ministry responsible for justice are: supervision of the implementation of the act on administration in the public prosecutor's office; statistical and analytical processing of data on the work of the public prosecutor's office in order to monitor the application of regulations in the areas regulated by the ministry, that is, the development of regulations, strategic, planning and program acts; giving consent to the rulebook on the internal organization and systematization of workplaces in the public prosecutor's office; arrangement, development and maintenance of the judicial information system; taking care of accommodation conditions, equipment and security of the public prosecutor's office; development and implementation of capital projects and other programs for judicial authorities and other tasks determined by law.
When performing the tasks of judicial administration from paragraph 4 of this article, the ministry responsible for justice does not encroach on the independence of the holder of the public prosecutor's office and the public prosecutor's office, nor on the performance of administrative tasks in the public prosecutor's office under the competence of the chief public prosecutor.

Q057 (2023): Jobs of the judicial administration in the public prosecutor's office
Article 42
The judicial administration is responsible for ensuring the execution of laws and other regulations related to the organization and work of the public prosecutor's office.
The work of the judicial administration is carried out by the High Council of Prosecutions and the ministry responsible for justice.
The tasks of the judicial administration performed by the High Council of the Prosecution are: supervision over the implementation of the act on administration in the public prosecution, determination of general guidelines for the internal regulation of the public prosecution; issuing an instruction on compiling a report on the work of the public prosecutor's office; monitoring the work of the public prosecutor's office; statistical and analytical processing of data on the work of the Public Prosecutor's Office in order to increase the quality and efficiency of the work of the Public Prosecutor's Office; adoption of by-laws from its jurisdiction; giving an opinion on the rulebook on the internal organization and systematization of jobs in the public prosecutor's office; taking care of truthful, timely and complete information to the public about the work of the public prosecutor's office; maintaining the personal file of the holder of the office of public prosecutor and other tasks determined by law.
The tasks of judicial administration performed by the ministry responsible for justice are: supervision of the implementation of the act on administration in the public prosecutor's office; statistical and analytical processing of data on the work of the public prosecutor's office in order to monitor the application of regulations in the areas regulated by the ministry, that is, the development of regulations, strategic, planning and program acts; giving consent to the rulebook on the internal organization and systematization of workplaces in the public prosecutor's office; arrangement, development and maintenance of the judicial information system; taking care of accommodation conditions, equipment and security of the public prosecutor's office; development and implementation of capital projects and other programs for judicial authorities and other tasks determined by law.
When performing the tasks of judicial administration from paragraph 4 of this article, the ministry responsible for justice does not encroach on the independence of the holder of the public prosecutor's office and the public prosecutor's office, nor on the performance of administrative tasks in the public prosecutor's office under the competence of the chief public prosecutor.

Q058 (General Comment): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.
The monitoring mechanism is set by the annual report of Supreme Court and the mechanism has not been changed in previous few years. One of the activities that are being monitored is the length of procedure. The annual report for 2023 is not yet published
Q060 (General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports. The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time.

Q061 (General Comment): THE LAW
ON THE PROTECTION OF THE RIGHT TO A TRIAL WITHIN A REASONABLE TIME
("Official Gazette of RS", no. 40/2015 and 92/2023) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal proceedings.
The duration of judicial proceedings is monitored and it is reflected in the court reports. Also, there are mechanisms for acceleration of the proceedings.

Q061 (2024): In accordance with Court Rules of Procedure (Article 44a) courts keep records of the length of the proceedings. Records in the first instance proceedings are kept for cases that last over two years from the date of admission to the court. Records regarding length of second instance proceedings after submission of legal remedies, are kept for cases that last more than a year from the date of admission to the court.
Courts keep special records of cases by the date of submission of the initial act to the court - for cases lasting over three years, over five years and over ten years.
If the main trail hearing is not scheduled in due time after the confirmation of the indictment by the court or waiting time for scheduling next hearing is too long, the practise is that public prosecutor urges competent court to schedule it
Q061 (2023): In accordance with Court Rules of Procedure (Article 44a) courts keep records of the length of the proceedings. Records in the first instance proceedings are kept for cases that last over two years from the date of admission to the court. Records regarding length of second instance proceedings after submission of legal remedies, are kept for cases that last more than a year from the date of admission to the court.
Courts keep special records of cases by the date of submission of the initial act to the court - for cases lasting over three years, over five years and over ten years.

Q061-1 (2024): Under the Law on Civil Procedure ("Official Gazette of the Republic of Serbia", No. 72/2011, 49/2013 - Decision of the Constitutional Court, 74/2013 - Decision of the Constitutional Court, 55/2014, 87/2018, 18/2020, and 10/2023 - Amendments), the party (including its lawyer) is in obligation, no later than the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory, to present all facts required for explanation of its proposals, to propose evidence that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the time-frame for conducting of the proceeding. The court decides, at the hearing, on the time frame, especially on the number of hearings, time of hearings, schedule for taking of evidence at the hearings and taking of other procedural actions, court time frames, and total time of the main hearing.
At the initial,preparatory hearing, pursuant to the Criminal Procedure Code („Official Gazette of the Republic of Serbia", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - Decision of the Constitutional Court, and 62/2021 - Decision of the Constitutional Court), The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution service, court and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement,on detention and on discontinuing criminal proceedings, as well as on other questions the court finds of relevance for holding a trial.
However, it is important to notice that the together with the prosecutor, defendant, defense counsel, the aggrieved party, legal representative of the prosecutor and aggrieved party, and if needed an interpreter, will be summoned to the preparatory hearing.

Q061-1 (2023): Under the Law on Civil Procedure ("Official Gazette RS", No. 72/11…10/23), the party (including its lawyer) is in obligation, no later than the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory, to present all facts required for explanation of its proposals, to propose evidence that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the time-frame for conducting of the proceeding. The court decides, at the hearing, on the time frame, especially on the number of hearings, time of hearings, schedule for taking of evidence at the hearings and taking of other procedural actions, court time frames, and total time of the main hearing.
At the initial,preparatory hearing, pursuant to the Criminal Procedure Code („Official Gazette RS“, No. 72/01...62/21 decision CC),
The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution service, court and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement,on detention and on discontinuing criminal proceedings, as well as on other questions the court finds of relevance for holding a trial. However, it is important to notice that the together with the prosecutor, defendant, defense counsel, the aggrieved party, legal representative of the prosecutor and aggrieved party, and if needed an interpreter, will be summoned to the preparatory hearing.

Q062 (General Comment): Functioning of the courts: The Supreme Court Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an “Analysis of the performance of courts of general and special jurisdiction”, http://www.vk.sud.rs/; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts,https://www.mpravde.gov.rs/; High Judicial Council, Belgrade, Resavska 42 - collection and processing of data on the performance of judges, https://vss.sud.rs/en; Statistical Office of the Republic of Serbia, Belgrade, Milana Rakica 5
Q062 (2022): The Supreme Court of Cassation, Belgrade – collection and processing of the greatest number of data and preparation of an “Analysis of the performance of courts of general and special jurisdiction”, http://www.vk.sud.rs/; Ministry of Justice, Belgrade, collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, https://www.mpravde.gov.rs/; High Judicial Council, Belgrade - collection and processing of data on the performance of judges, https://vss.sud.rs/en;
Q062 (2021): The Supreme Court of Cassation
Q062 (2020): The Supreme Court of Cassation
Q063 (General Comment): - at the webpage of the Supreme Court Annual and six-month reports on the work of all courts are published, also courts publish their annual individual statistical reports on their internet presentations.
Q063 (2022): https://www.vk.sud.rs/sr-lat/godi%C5%A1nji-izve%C5%A1taj-o-radu-sudova
Q064 (General Comment): Supreme Public Prosecutor's office website www.rjt.gov.rs
Q064 (2024): Former Republic Public Prosecution Office

Q064 (2023): Supreme Public Prosecution (former Republic Public Prosecution Office), Nemanjina 22-26, Belgrade
Q064 (2022): Republic Public Prosecution Office, Nemanjina 22-26, Belgrade
Q064 (2020): Republic Public Prosecutor
Q065 (General Comment): Please see link containing the reports of all the ppo's:
http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE-%D1%80%D0%B0%D0%B4%D1%83/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%82%D0%BE%D1%80
Q065 (2022): www.rjt.gov.rs
Q066 (General Comment): Backlog Reduction Program with its action plan, court visit plan (in all, except the first instance courts) annual schedule of work of judges and judicial assistants, etc.
Q067 (General Comment): All courts prepare a three month report, six-month and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court and the Ministry of Justice. The Courts also draft and submit their individual Program for Resolution of Backlog Cases and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.
Moreover, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public Importance (Art. 39) , to publish information on its activities, organization etc. This information is available at the website of each court . (see for example website of the Supreme Court of Cassation (http://www.vk.sud.rs).

Q067 (2024): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court, High Judicial Council and the Ministry of Justice. The Courts also draft and submit the Program for Backlog Reduction and submit it to the Supreme Court. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc. Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public importance (Art. 39), to publish information on their activities, organization etc. This information is available at the website of each court. (see for example website of the Supreme Court (http://www.vrh.sud.rs).
Q067 (2023): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court, High Judicial Council and the Ministry of Justice. The Courts also draft and submit the Program for Backlog Reduction and submit it to the Supreme Court. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc. Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public importance (Art. 39), to publish information on their activities, organization etc. This information is available at the website of each court.
(see for example website of the Supreme Court (http://www.vrh.sud.rs).
Q068 (General Comment): Internet (Annual and six month report on work of courts)
Intranet website
Paper distribution – sometimes in paper – Annual report

Q069 (General Comment): Every public prosecutor`s office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor`s Office is preparing aggregated annual report of all prosecutor`s offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecutor`s Office and made available for the public.

Q070 (2024): Every public prosecution is required to prepare annual report on their work. Based on these reports, the Supreme Public Prosecution is preparing aggregated annual report. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes.

Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is published on the web site of the Supreme Public Prosecution Office and made available for the public.

Q070 (2023): Every public prosecution is required to prepare annual report on their work. Based on these reports, the Supreme Public Prosecution is preparing aggregated annual report. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes.

Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported.

Annual report is published on the web site of the Supreme Public Prosecution Office and made available for the public.

Q070 (2022): Every public prosecution office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecution Office is preparing aggregated annual report. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecution Office and made available for the public.

Q074 (General Comment): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision.
Q074 (2024): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision. Regarding courts, the Regulation on the Criteria, Measures, Procedure, and Authorities for Evaluating the Work of Judges and Presidents of Courts (Official Gazette of the RS, No. 81/14, 142/14, 41/15, and 7/16) is effective until December 31, 2025. Article 18 of this Regulation defines the monthly norm for case resolution across various types of cases and court instances (e.g., Basic, Higher, Appellate, Commercial, Misdemeanor, Administrative Courts). This norm establishes a quantitative benchmark for the number of cases handled by judges, segmented by type (e.g., criminal, civil, family, enforcement).

Q074 (2023): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision.
Q075 (General Comment): The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. Against the decision on the evaluation of the work of the judge and the president of the court, an appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent.
The manner of work of the Commission is determined by an act of the High Judicial Council.

Q075 (2024): The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. Against the decision on the evaluation of the work of the judge and the president of the court, an appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent. The manner of work of the Commission is determined by an act of the High Judicial Council.

Q075 (2023): The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. Against the decision on the evaluation of the work of the judge and the president of the court, an appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent.
The manner of work of the Commission is determined by an act of the High Judicial Council.

Q075 (2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents’ performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents’ performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents’ performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions’ operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents’ performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

Q075-1 (General Comment): Other, please specify: The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court. The decision on the evaluation represents the basis for the election and compulsory training of the judge, i.e. the president of the court.

Q075-1 (2023): Other, please specify: The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court. The decision on the evaluation represents the basis for the election and compulsory training of the judge, i.e. the president of the court.

Q075-1 (2022): not be appointed to permanent office or to be referred to mandatory training

Q075-1 (2020): Law on Judges in Art 52 prescribe that a first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office.

Q076 (General Comment): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision.
Q076 (2024): Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court.

Q076 (2023): Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court.

Q076 (2020): According to Art. 33 of the Law on Judges, performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three members appointed by the Council from among judges of the Supreme Court of Cassation (article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.
Q076-1 (General Comment): The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. Against the decision on the evaluation of the work of the judge and the president of the court, an appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent.
The manner of work of the Commission is determined by an act of the High Judicial Council.

Q076-1 (2024): The decision on performance evaluation is adopted based on a comprehensive analysis and assessment of the abilities and results of the work of the judge, i.e. the president of the court, according to the criteria and indicators prescribed by the act of the High Judicial Council.
The decision on the evaluation of judges, i.e. the president of the court, must be accompanied by an explanation.
The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court.
Q076-1 (2023): The decision on performance evaluation is adopted based on a comprehensive analysis and assessment of the abilities and results of the work of the judge, i.e. the president of the court, according to the criteria and indicators prescribed by the act of the High Judicial Council.

Q076-1 (2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents’ performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents’ performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents’ performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions’ operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents’ performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

Q077 (General Comment): The period for which the valuation is carried out

Article 39

The work of a judge, that is, the president of the court, is regularly evaluated once every five years.

Exceptionally from paragraph 1 of this article, based on the decision of the High Council of the Judiciary, the work of the judge and the president of the court may be evaluated in an extraordinary manner.

Q077 (2024): The work of the judges, i.e. the presidents of the court, is being regularly evaluated once in five years. Exceptionally , based on the decision of the High Judicial Council, a judge and a president of court may be evaluated extraordinarily.

Q077 (2023): The work of the judges, i.e. the presidents of the court, is being regularly evaluated once in five years. Exceptionally , based on the decision of the High Judicial Council, a judge and a president of court may be evaluated extraordinarily.

Q078 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
Article 109
Evaluation of the work of the chief public prosecutor and the public prosecutor is the basis for selection and mandatory training.
The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Work evaluation grades
Article 111
Evaluation of work is expressed by a grade.
The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function".
The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure

Q078 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
Article 109
Evaluation of the work of the chief public prosecutor and the public prosecutor is the basis for selection and mandatory training. The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
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The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure
Article 112
The evaluation of the work of the chief public prosecutor and the public prosecutor is carried out by a commission appointed by the High Council of Prosecutors.

Q078 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
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The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Work evaluation grades
Article 111
Evaluation of work is expressed by a grade.
The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function".
The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure

Q079 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Work evaluation procedure
Article 112
The evaluation of the work of the chief public prosecutor and the public prosecutor is carried out by a commission appointed by the High Council of Prosecutors.
The commission is composed of three members, in which public prosecutors of a higher level evaluate the work of the chief public prosecutor and a public prosecutor of a lower level.
Q079-1 (General Comment): Evaluation of work is expressed by a grade. The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function". The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor. The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.

Q080 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
Article 109
Evaluation of the work of the chief public prosecutor and the public prosecutor is the basis for selection and mandatory training.
The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Work evaluation grades
Article 111
Evaluation of work is expressed by a grade.
The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function".
The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure

Q080 (2024): Evaluations are being carried out by commissions formed by the High Prosecutorial Council. The new bylaw on evaluation is currently being prepared by the Working group. The present criteria include:
professionalism, capability to apply knowledge, analytical thinking and practical skills, legal issues resolving etc. The main purpose for which the results are used is promotion.
The new bylaw: REGULATION ON CRITERIA AND INDICATORS FOR EVALUATING THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND PUBLIC PROSECUTOR ("Official Gazette of the RS", No. 33/2024 and 45/2024) was adopted by the council in May 2024This bylaw prescribes the criteria for evaluation which are as follows:
- professional knowledge and the ability to apply it,
- the ability to form an analytical opinion and resolve legal issues,
- the ability to make decisions within reasonable deadlines,
- discussion and hearing skills,
- the ability to express and argue orally and in writing,
- taking on additional tasks and duties.
This bylaw also allowed the Council to form the Evaluation Commission, consisting of three members, in which public prosecutors of a higher level evaluate the work of the Chief Public Prosecutor and public prosecutors of a lower level. The Commission members are elected from among the public prosecutors of the Supreme Public Prosecutor's Office. The Council may also form other working bodies within the Commission on the appellate and higher level of public prosecutor’s offices, to assist with the evaluation of public prosecutors.
Evaluation of public prosecutors can be regular and extraordinary:
- Regular evaluation of chief public prosecutors and public prosecutors is conducted every three years.
- Extraordinary evaluation may be requested by the Council in the following instances:
- when electing chief public prosecutors and public prosecutors to another or higher public prosecutor's office,
- at the personal request of the chief public prosecutor and public prosecutor in the event of absence from work for more than ¾ of the evaluation period,
- when the chief public prosecutor or public prosecutor is assessed as "unsatisfactorily performing the public prosecutorial function",
- in other cases when the High Prosecutorial Council assesses that it is justified and necessary.

Q080 (2023): Evaluations are being carried out by commissions formed by the High Prosecutorial Council. The new bylaw on evaluation is currently being prepared by the Working group. The present criteria include: professionalism, capability to apply knowledge, analytical thinking and practical skills, legal issues resolving etc. The main purpose for which the results are used is promotion.
Q080 (2020): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.
One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.
More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on the basis of the SPC decision

Q080-1 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Work evaluation procedure
Article 112
The evaluation of the work of the chief public prosecutor and the public prosecutor is carried out by a commission appointed by the High Council of Prosecutors.
The commission is composed of three members, in which public prosecutors of a higher level evaluate the work of the chief public prosecutor and a public prosecutor of a lower level.
Q081 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Q081 (2023): The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Q081 (2022): The work of the deputy public prosecutor who was elected for the first time is evaluated once a year
counting from the date of entry into the position of public prosecutor.
The work of the public prosecutor and the deputy public prosecutor on a permanent basis is regularly evaluated once in three years.
The work of public prosecutors and deputy public prosecutors can be based on the decision of the State Prosecutorial Council assess the prosecutors in an extraordinary manner.

Q082-0 (General Comment): IT strategy was adopted by ICT Sectorial Council on February 4th 2022.
The document in English will be provided later.
Q082-0 (2024): No official English version has been prepared.
Q082-0 (2023): No official English version has been prepared.
Q082-0 (2022): ICT Strategy in Judiciary 2022-2027 with Action Plan. Not available in English
Q082-0 (2021): IT strategy was adopted by ICT Sectorial Council on February 4th 2022.
The document in English will be provided later.

Q082-0 (2020): IT Development Guidelines in Justice Sector are in force (available in English at the following link:https://www.mpravde.gov.rs/files/IT%20Development%20Guidelines%20in%20Justice%20Sector_ENG.pdf) . The procedure for awarding contracts for drafting an IT strategy based on public procurement is underway.
Q082 (2023): There are several ICT systems. The most represented is the AVP which is used in basic, higher, and commercial courts. This system is decentralized, and it has been in use for more than 10 years for the time being. On the other hand, CMS used by appellate courts, Administrative court and Supreme Court is called SAPS, and it is relatively newly developed. Also, misdemeanor courts are provided with SIPRES newest developed CMS.
The strategic act has foreseen rollout of SAPS called SUPER SAPS to replace old AVP in basic, higher, and commercial courts. It is important to emphasize that there are other applications for electronic communication with the courts such as eCOURT for administrative disputes, and eCOURT for enforcement proceedings before the commercial courts and enforcement agents. Public prosecutorial offices are using SAPO CMS.
Q082 (2022): In civil and commercial cases, parties can see the status of case online.
CMS is fully integrated in sense that it uses data from cases from court DMS via web services to generate predefined and ad hoc reports.
Q082 (2020): (Software used for registering judicial proceedings and their management)
Q082-1 (2024): CMS for basics, higher, and commercial courts 2010.
CMS for misdemeanor court 2015
CMS for appellate, administrative and supreme court 2013
Q082-1 (2023): CMS for basics, higher, and commercial courts 2010.
CMS for misdemeanor court 2015
CMS for appellate, administrative and supreme court 2013
Q082-1 (2021): Firstly, AVP System was implemented in commercial courts in 2010.
Q082-2 (2024): According to the project plan financed by the EU - Supply of IT Equipment, Software and Ancillary Services for Improvement of Centralized Case Management System (CCMS) in Courts (Tender reference number NEAR/BEG/2021/EA-OP/0003) during 2025, the new system Super SAPS to be in production (to replace old AVP in basic, higher and commercial courts).
Q082-2 (2023): According to the project plan financed by the EU - Supply of IT Equipment, Software and Ancillary Services for Improvement of Centralized Case Management System (CCMS) in Courts (Tender reference number NEAR/BEG/2021/EA-OP/0003) during 2025, the new system Super SAPS to be in production (to replace old AVP in basic, higher and commercial courts).
Q082-2 (2022): The implementation of the new centralized CMS is underway, it is planned to be completed by the end of 2024. Funds for the project were provided from IPA 2017 and the tender was conducted by the Delegation of the European Union in Serbia.
Q082-2 (2021): Project of implementation of new modern centralized case management system started in September 2021, currently (March 2022) it is in inception phase.

Q082-2 (2020): Tender for contract for implementation of a Centralized Case Management System (CCMS) for the Serbian courts of general jurisdiction, Administrative court/s and commercial courts is available at https://etendering.ted.europa.eu/cft/cft-display.html?cftId=7703 .
The scope of the contract covers the necessary hardware and software infrastructure, software solution, training, maintenance and support to migrate from and replace two software systems currently in use in the Judiciary.
Planned contract length is 36 months but more detailed timeline will be part of the offer.
After contract award timeline will be part of project implementation plan.
Q082-1-0 (2024): There are several ICT systems. The most represented is the AVP which is used in basic, higher, and commercial courts. This system is decentralized, and it has been in use for more than 10 years for the time being. On the other hand, CMS used by appellate courts, Administrative court and Supreme Court is called SAPS, and it is relatively newly developed. Also, misdemeanor courts are provided with SIPRES newest developed CMS.
The strategic act has foreseen rollout of SAPS called SUPER SAPS to replace old AVP in basic, higher, and commercial courts. It is important to emphasize that there are other applications for electronic communication with the courts such as eCOURT for administrative disputes, and eCOURT for enforcement proceedings before the commercial courts and enforcement agents. Public prosecutorial offices are using SAPO CMS.
Q082-1-0 (2023): There are several ICT systems. The most represented is the AVP which is used in basic, higher, and commercial courts. This system is decentralized, and it has been in use for more than 10 years for the time being. On the other hand, CMS used by appellate courts, Administrative court and Supreme Court is called SAPS, and it is relatively newly developed. Also, misdemeanor courts are provided with SIPRES newest developed CMS.
The strategic act has foreseen rollout of SAPS called SUPER SAPS to replace old AVP in basic, higher, and commercial courts. It is important to emphasize that there are other applications for electronic communication with the courts such as eCOURT for administrative disputes, and eCOURT for enforcement proceedings before the commercial courts and enforcement agents. Public prosecutorial offices are using SAPO CMS.
Q084-2 (2024): The Judicial Academy has developed a system called eCase which contains a database of European court for human rights decisions in Serbian and other languages.The Judicial Academy has developed a system called eCase which contains a database of European court for human rights decisions in Serbian and other languages.
All the above mentioned decisions are available for free. Also, the Judicial Academy developed Cross reference system that provides a database of links to articles of domestic laws and articles of the European Convention. And last but not least, the Judicial Academy developed eLearning platform for trainings and eLibrary with training documents, publications and international contracts base.

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Q085 (2022): Since 2021 there was a migration of data (decisions) from Administrative Court portal to centralized data base. Therefore centralized national database of court decisions does not include all judgements
Q085 (2020): We don't have 3rd instance for administrative courts so the answer is no and it should be NAP.

Q085-1 (2024): The Oracle BI platform enables the creation of performance indicators (CPI) according to various criteria, the monitoring of implementation, and the generation of reports on the fulfillment of various indicators.
The system enables centralized reporting on various aspects of work of court of general and special jurisdiction, monitoring of statistics, trends, key performance indicators, (CPI), and visualization and analysis of operational data. The solution has implemented a logic that generates alarms (CPI) when the defined deadlines for court action are exceeded and in a way that implies that the identified deadlines that generate alarms are mapped into the existing AVP and SAPS applications.
The system started operating in 2018 with the posting of expanded T1 annual, six-monthly, quarterly and monthly reports on the work of the basic, higher and appellate courts, where the formulas were not checked nor was a comparison made of the expanded T1 reports submitted by the courts to the Supreme Court of Cassation.
In the meantime, the set of reports has been expanded with reports that are based on the so-called "extended" T1 report or on reports that can be obtained by mapping data from the AVP, SAPS, and SIPRES case management systems, about the previously defined volume of data that is downloaded (from The AVP system downloads about 40 tables per court, based on which reports are generated).
All reports that have been established are based primarily on the number of cases, as well as on calculations according to the formulas used by the Supreme Court in its reporting system (the extended T1 form has several columns more than the official T1 form defined by the Rules of Court). The downloading of data on acting judges is compromised by the lack of timeliness of the courts in entering the working days of judges, which leads to incorrect calculations of average values per judge. This issue has been raised several times, and now the number of courts that count the number of working days concerning the annual schedule of judges has been reduced to a very small number, however, this disturbs the general calculation on the system (if only one commercial court does not enter up-to-date working days, comprehensive the report of all commercial courts, in the part that refers to the total number of judges who acted in a certain matter during the period, there can be no reliable data).
In relation to the types of courts, the system contains data on the work of appellate, higher, and basic courts, i.e. all courts of general jurisdiction and administrative, commercial, and misdemeanor courts, which makes the entire network of courts of special jurisdiction. Here it is necessary to point out that for misdemeanor courts, data is downloaded from already prepared work reports (for reports according to the rules of procedure), which is completely different from the method of data download for other courts, where a much larger volume of data is downloaded and calculations are performed directly within the BI system. This has the effect that, if an error occurs in the SIPRES system during the calculation, that error will be transmitted to the CS system as well.
In addition to the reports that are prepared and submitted to the Supreme Court, the Supreme Court, and the Ministry of Justice, the system also creates a certain number of reports "on the day of the request" according to the Rules of Procedure. These reports are not defined by the Rules of Court, but they are significant due to the monitoring of trends in the number of received or resolved cases in a certain matter.
The following reports of form T1 or derived from it have been established on the Central Statistics portal:
- annual, semi-annual, quarterly, and monthly extended T1 performance reports foro basic courts o higher courts o appellate courts o commercial courts and the Commercial Court of Appeal o Administrative Court o misdemeanor courts.

Q085-1 (2023): The Oracle BI platform enables the creation of performance indicators (CPI) according to various criteria, the monitoring of implementation, and the generation of reports on the fulfillment of various indicators.
The system enables centralized reporting on various aspects of work of court of general and special jurisdiction, monitoring of statistics, trends, key performance indicators, (CPI), and visualization and analysis of operational data. The solution has implemented a logic that generates alarms (CPI) when the defined deadlines for court action are exceeded and in a way that implies that the identified deadlines that generate alarms are mapped into the existing AVP and SAPS applications.
The system started operating in 2018 with the posting of expanded T1 annual, six-monthly, quarterly and monthly reports on the work of the basic, higher and appellate courts, where the formulas were not checked nor was a comparison made of the expanded T1 reports submitted by the courts to the Supreme Court of Cassation.
In the meantime, the set of reports has been expanded with reports that are based on the so-called "extended" T1 report or on reports that can be obtained by mapping data from the AVP, SAPS, and SIPRES case management systems, about the previously defined volume of data that is downloaded (from The AVP system downloads about 40 tables per court, based on which reports are generated).
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The following reports of form T1 or derived from it have been established on the Central Statistics portal:
- annual, semi-annual, quarterly, and monthly extended T1 performance reports for
o basic courts

Kosovo*
Q038 (2024): In section one which deals with severe criminal cases, we have included the criminal cases in the general department, the criminal cases in the serious crimes department and the criminal cases in the special department. Juvenile criminal cases are included in misdemeanor/minor cases section.
In section three, other cases we have included the number of criminal cases that are still in pre-trial proceedings.

Q038 (2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year.
Q038 (2020): The discrepancy in misdemeanor cases is because of the switch to Case management system(CMIS). The pending cases at the end of 2019 have not been included in the CMIS. After the communication with Judicial Council, we have been informed that all the pending cases from 2019 have been solved, but are not included in the CMIS. To be more specific, from 26070 pending cases (31st Dec 2019) 22729 have been not included in the CMIS. This is why the number of resolved cases is significantly lower than the number of incoming cases. As for the decrease in the number of incoming cases, it is mainly a result of the full lockdown which was imposed from mid- March to June. Restrictive measures, including restriction in the free movement have remained in place during all the year.
Q039 (2024): In section one, which deals with general civil and commercial cases, enforcement litigious cases are included because in Kosovo, enforcement procedure is contested procedure (In the past these cases were included in the non-litigious section, but we wish to correct this practice, see Article 17 of the Law on Enforcement Procedure).
Please note that registry cases are not dealt by the court in Kosovo. With regard to civil litigation cases at the second instance, a total of 8,875 such cases were received by the Court during 2023, whereas in 2024 a total of 15,774 cases were received, representing a 78% increase. (The number indicated here refers only to commercial litigious cases)
The reasons behind this significant rise in these cases are linked to the unwillingness of the relevant institutions to ensure the enforcement of workers' rights arising from employment relationships. More specifically, the increase relates to specific monetary claims derived from applicable legislation, including relevant laws for various categories of employees, the non-implementation of the General Collective Agreement of Kosovo, the respective Collective Agreements in the Education sector, the Sectoral Collective Agreement in the Health sector, and relevant secondary legislation regulating monetary rights from employment relationships for the Kosovo Police and the Kosovo Security Force. As a result of these lawsuits—specifically the cases resolved by first-instance courts—there has also been a corresponding increase in the number of such cases before the Court of Appeals of Kosovo.
With regard to the cases handled by the second-instance chambers of the Commercial Court, it should be emphasized that the underlying causes are related to the operationalization of this Court. Although the Kosovo Judicial Council (KJC) undertook all necessary actions within the legal timeframe to make the Court functional, this has been an ongoing process that began in 2022. Following the consolidation and full operationalization of the Court, the first-instance judges were able to resolve more cases in the following years, particularly in 2023, as conditions were created that improved the efficiency of the work process. This, in turn, directly contributed to an increase in the number of cases appealed to the second-instance chambers of the Commercial Court.

Q039 (2021): There is a lack of data for several categories because the Judicial Council has not been able to register all the data in the CMIS for the second instance. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35 regarding the first instance. To be specific, the administrative cases increased in the first instance and they proceeded to the second instance via appeals.
Q039 (2020): We do not have the data on pending cases for the second instance this year, because the Judicial Council has not been able to register all the data in the CMIS for the second instances. We might have the data during the coming months, but we do not have a definite answer when these data will be available. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35.

Q040 (2024): In section one which deals with severe criminal cases, we have included the criminal cases in the general department, the criminal cases in the serious crimes department and the criminal cases in the special department. Juvenile criminal cases are included in misdemeanor/minor cases section.
In section three, other cases we have included the number of criminal cases that are still in pre-trial proceedings.
Q040 (2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year. Same comments as for the first instance.
Q040 (2020): The decrease in numbers, as explained in Q35, is because of the national lockdown and other restrictive measures applied throughout the 2020.
Q041 (2020): These data (only this year) are not available at this moment; until the Case Management System becomes fully functional.
Q041-2 (2023): Public prosecutor has limited role in Civil cases, such as Family law (example: claims for annulling the marriage)
Q042 (2024): Kosovo has the Kosovo Judicial Council and Kosovo Prosecutorial Council, each competent for drafting their own regulations and strategic plans. Those strategic plans and policies are drafted pursuant with international reports for improving quality of justice in Kosovo. Additionally, Ministry of Justice has drafted the Rule of Law Strategy, in cooperation with KJC and KPC, which contains five main objectives: (1) Efficient, professional and integrity judiciary and prosecution; (2) Strengthening the Criminal Justice system; (3) Strengthening the Civil and Administrative Justice system; (4) Digitization of justice; and (5) Access to justice.
Q043 (2024): There are responsible employees that are responsible to gather data, and monitor the implementation of the strategic plans, whether the responsible institution has fulfilled the actions deriving from such plans. For example in the Ministry of Justice serves as a Secretariat for the Rule of Law Strategy and continuously monitors the implementation of this Strategy, reviews and updates its action plan etc, whereas in the Kosovo Prosecutorial Council, working groups are formed to monitor the implementation of the strategic plans regarding the efficiency of the prosecutorial system.
Q048 (General Comment): NA
Q048 (2023): NA
Q048 (2022): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These report are published online in the web page of the KJC.
Q048 (2020): Until this year, the evaluation of court performance has been done by using the performance of Judges as a reference. So, the performance of a court has been mainly attributed to the performance of the Judges in that particular court. Starting from this year, Kosovo Judicial Council has developed a dashboard in the Case Management Information System(CMIS), with specific indicators, in order to measure court performance. Unfortunately, we still do not have any data regarding the performance or the indicators used, since the CMIS is still not fully functional. However, after the discussion with KJC and CoE project in Kosovo which is supporting this activity, this CMIS feature concerning court performance will soon be tested, and from the next year, it will be used to generate dashboards and reports on court performance.

Q049 (General Comment): NA
Q049 (2024): KJC on quarterly bases prepares statistical reports with the data in Q058, in some cases as per the needs for specific category of cases KJC prepares reports on monthly basis. Example reports for cases of special nature such as; domestic violence cases, human trafficking, organized crime etc. Additionally, the Commission for the evaluation of Judges, which is supported by the Unit for Judicial Inspection.
Q049 (2023): NA
Q050 (General Comment): NA
Q051 (General Comment): NA

Q052 (2021): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.
Q052 (2020): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.
Q053 (General Comment): NA
Q055 (General Comment): NA
Q056 (2024): Based on Articles 1 and 2 of Regulation 11/2016 on the Evaluation of Judges' Performance, this regulation applies to all judges of the courts of Kosovo, except for lay judges and court presidents, whose evaluation will be regulated by a separate regulation.
The Evaluation Commission refers to the commission responsible for evaluating judges' performance, consisting of 13 members selected by the members of the KJC.
Q056 (2022): Based on Article 1 and 2 of Regulation 11/2016 on the evaluation of Judges' Performance. This regulation applies to all judges of the courts of Kosovo, except for jury judges and presidents of courts whose assessment will be regulated by a separate regulation. Evaluation Committee means the Committee responsible for evaluating the performance of judges, consisting of 13 members selected by the members of the KJC.
Q058 (2022): With the usage of the electronic system CMIS, it became also possible to generate and regularly monitor court activities based on the marked indicators.
Q058 (2021): The Judicial Performance Commission has competencies based on the following criteria: Personal integrity and general professional skills; Legal and technical skills; Professional engagement; Rate of realization of the norm; etc.
Q059 (General Comment): NA
Q061 (General Comment): Based on Article 2 of Regulation No. 04/2020, On the Authority, Organization and Functioning of the Judicial Inspection Unit, conduct studies to assess the efficiency of judicial procedures, assess the internal functioning of individual courts in a regular manner to identify weaknesses in the work of the court.
Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures
Q061 (2024): Kosovo Prosecutorial Council comment: Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures.
Kosovo Judicial Council comment: This is carried out through the Judicial Inspection Unit, where, based on Article 4, paragraph 1, of Regulation No. 14/2022 on the Organization and Functioning of the Judicial Inspection Unit, it is stipulated that the unit assists the Council and the relevant committees of the Council in inspecting and evaluating the work of the courts and other activities within the judiciary, aiming to enhance effectiveness and professionalism within the judicial system.
Additionally, this is also achieved through the Commission for Monitoring, Evaluating, and Reporting on the Strategic Plan for Improving Access to Justice 2022–2025, as well as the Strategic Plan for the Efficiency of Handling Corruption, Abuse of Official Duty, and Organized Crime Cases 2025–2027, composed of five judges from the Supreme Court of Kosovo.

Q061 (2022): Based on Article 2 of Regulation No. 04/2020, On the Authority, Organization and Functioning of the Judicial Inspection Unit, conduct studies to assess the efficiency of judicial procedures, assess the internal functioning of individual courts in a regular manner to identify weaknesses in the work of the courts.
Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures.

Q061-1 (2024): In criminal procedure, specifically Article 444, paragraph 1, of the Criminal Procedure Code of Kosovo, it is stated as follows:
The deadlines prescribed by this Code cannot be extended, except when expressly permitted by law. If the deadline for exercising the right to defense and other procedural rights of the defendant is prescribed by law, at the defendant's written request or orally recorded in the court minutes, this deadline may be shortened.
Article 286, paragraph 2, of this Code provides that:
If the single trial judge or the presiding judge of the trial panel postpones the trial hearing as per paragraph 1 of this article, they may schedule periodic hearings to discuss the status of the case, unresolved issues, and to ensure timely resolution of the case or the scheduling of the trial hearing.
In civil procedure, Article 125, paragraphs 1 and 2, states that:
If deadlines are not set by law, they are determined by the court, taking into account the circumstances of the specific case.
The deadline set by the court may be extended upon the request of the interested party, provided that there are reasonable grounds for such an extension.
Conclusion:
The extension of legal deadlines and the matter of agreements with the parties are allowed only if permitted by law and if reasonable grounds exist.
Q063 (2022): Internally on an intranet website also available.
Q064 (2024): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo
Q064 (2023): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo.
Q064 (2022): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo
Q065 (2024): The statistical reports are published in the webpage of the prosecutorial system, but they are not published yet for 2024 since they are in the process of being finalised.
Q065 (2023): The statistical reports are published in the webpage of the prosecutorial system, but they are not published yet for 2023 since they are in the process of being finalised.
Q065 (2022): The report for 2022 is not yet finalised
Q066 (2024): The Secretariat of the Kosovo Judicial Council
Q067 (2024): Court presidents prepares report on quarterly bases and present them in the KJC meetings, reports includes statistical report for the court performance. Also, the Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.
These reports are published on the KJC website and are public.
Q067 (2023): Court presidents prepares report on quarterly bases and present them in the KJC meetings, reports includes statistical report for the court performance. Also, the Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.
These reports are published on the KJC website and are public.

Q067 (2022): The Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.
These reports are published on the KJC website and are public.
Q067 (2021): In the Department of Statistics at the Kosovo Judicial Council
Q068 (2024): See the comment above
Q068 (2022): More frequent reports are also available.
Q068 (2021): An annual report is published each year but also other reports on a more frequent basis.
Q069 (2024): Every prosecution office reports in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.
Q069 (2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

Q069 (2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.
Q070 (2023): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.
Q070 (2022): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.
Q070 (2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.
Q071 (2024): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.
Q071 (2023): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.
Q071 (2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

Q071 (2021): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.
Q074 (2024): In 2023, the Judicial Council introduced the Regulation on the Work Norm of Judges, setting clear guidelines for how a judge's workload is measured. The system takes into account the type of case, its complexity, and the time needed to resolve it. Each case is assigned a certain number of points, reflecting these factors. A judge meets the expected workload by reaching 100 points and fulfills the annual requirement with 1,100 points. Court presidents are responsible for monitoring if the norm for each judge has been met and reports to the Judicial Council every three months.

Q075 (General Comment): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for judges.
Q076 (2024): Based on Article 6, Article 12 and Article 13 of Regulation 11/2016 on the Evaluation of Judicial Performance of the KJC.
Q076 (2022): Based on Article 6 of Regulation 11/2016 on the Evaluation of Judicial Performance, of the KJC.
- The assessment can also be more frequent.
The Commission for the Evaluation of Judges' Performance has the competence to evaluate the performance of judges with permanent mandate according to the "Random" method, judges with initial mandate and those who are candidates for promotion. The Commission for the Evaluation of Judges' Performance performs its tasks and activities based on the Law on the Judicial Council and the Regulation on the Evaluation of the Performance of Judges, approved by the Kosovo Judicial Council. The Judicial Performance Evaluation Committee assesses the basis for the promotion or demotion of judges, including the initiation of dismissal proceedings and the evaluation for the purpose of reappointment. Judges with initial mandates are evaluated two (2) times during this mandate and once after the initial training and once before the expiration of the initial mandate for the purpose of reappointment. Permanent judges are evaluated every 3 years.
Pursuant to Article 14 of the Regulation on the evaluation of the performance of judges, Judges are evaluated according to the following scales, from 0 to 89 points: 1.1. From 0 to 35 points is evaluated "debit", 1.2. From 36 to 51 points is considered "sufficient", 1.3. From 52 to 67 points is rated "good", 1A. From 68 to 82 points is evaluated "very good", 1.5. From 83 to 89 points is rated "excellent". 2. Only judges who are evaluated with "excellent" evaluation will be considered for promotion, in case of vacancies in the Court of Appeals and / or the Supreme Court. In case the evaluation results that there are not enough judges ranked according to the points with "excellent" evaluation, the Council takes into account the judges ranked according to the points with the evaluation "very good". The evaluation commission will compile a Guide for the evaluation of judges for each indicator which will be made public to judges before the evaluation process begins.
Pursuant to Article 3.19 of the Regulation on the Evaluation of Judges' Performance, the evaluation of judges is done in accordance with the principle of legality, objectivity, transparency and equality, in order to guarantee equal opportunities and rights for the development of the judge's career. . 2. The evaluation is not intended to interfere with the independence and impartiality of the judge. 3. Unless otherwise provided by law or regulation, all data and information collected during the performance appraisal process are confidential and are not disclosed during the first phase of the appraisal. Disclosure of any information that violates the confidentiality of the evaluation process constitutes a disciplinary violation and will be treated according to applicable law.

Q077 (General Comment): Every three years .
Q077 (2024): Judges with an initial mandate are evaluated twice: first, at the end of the 12-month initial training, and second, before the expiration of their initial mandate for the purpose of reappointment with a permanent mandate.
Judges with a permanent mandate are evaluated every three years. However, each year, one-third of the judges are evaluated.
Q078 (2024): The quantitative targets are defined through the Administrative instruction on Prosecutors' oriented norm. These targets differ based on level of prosecution office, department, complexity of cases, etc.
Q078 (2022): KPC has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.
Q079 (General Comment): KPC has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.

Q079 (2024): KPC has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.
Q079 (2021): KPC in 2018 has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.
Q079-1 (General Comment): if prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee
Q079-1 (2024): If prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee
Q079-1 (2022): If prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee
Q079-1 (2021): Other: if prosecutors do not fulfil their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

Q080 (General Comment): The annual assessment of prosecutors work is done by their superior/chief prosecutor. The regular every 3 year Performance evaluation is done by the Council's permanent Committee for performance evaluation of prosecutors.
Prosecutors performance assessment done by the Council's Committee is based on:
1. Professional knowledge, work experience and performance, including human right knowledge and compliance;
2. Ability for legal reasoning;
3. Professional skills, including participation in formal training in which performance is assessed;
4. Skills and ability to analyze legal problems;
5. The ability to perform tasks impartially, with conscience, diligence, determination and responsibility;
6. Communication skills;
7. Behaviors outside the office, as well
8. Personal integrity;
9. Evaluation by the superior.
The Committee evaluates the performance of prosecutors according to the level of prosecution, department and function, based on the evaluation categories as follows:
1.1. Ethics and integrity;
1.2. Productivity;
1.3. Legal knowledge and reasoning;
1.4. Case management;
1.5. Writing;
1.6. Communication and advocacy;
1.7. Ability to judge and decide;
1.8. Leadership and teamwork;
1.9. Professional development and other skills, including the use of technology;
1.10. Management.
1.11. Case Supervision.
All of these and more information can be found in the Regulation for performance evaluation in the following link: https://prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/Regullation%20No.05.2020%20-%20on%20the%20prosecutor's%20performance%20assessment.pdf

Q080 (2024): The annual assessment of prosecutors work is done by their superior/chief prosecutor. The regular every 3 year Performance evaluation is done by the Council's permanent Committee for performance evaluation of prosecutors.
Prosecutors performance assessment done by the Council's Committee is based on:
1. Professional knowledge, work experience and performance, including human right knowledge and compliance;
2. Ability for legal reasoning;
3. Professional skills, including participation in formal training in which performance is assessed;
4. Skills and ability to analyze legal problems;
5. The ability to perform tasks impartially, with conscience, diligence, determination and responsibility;
6. Communication skills;
7. Behaviors outside the office, as well
8. Personal integrity;
9. Evaluation by the superior.
The Committee evaluates the performance of prosecutors according to the level of prosecution, department and function, based on the evaluation categories as follows:
1.1. Ethics and integrity;
1.2. Productivity;
1.3. Legal knowledge and reasoning;
1.4. Case management;
1.5. Writing;
1.6. Communication and advocacy;
1.7. Ability to judge and decide;
1.8. Leadership and teamwork;
1.9. Professional development and other skills, including the use of technology;
1.10. Management.
1.11. Case Supervision.
All of these and more information can be found in the Regulation for performance evaluation in the following link:
https://prokuroria-rks.org/wp-content/uploads/2024/06/Rregullore-nr.05.2020-per-Vleresimin-e-Performances-se-Prokuroreve-nr.1010.2020.pdf

Q081 (General Comment): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of prosecutors within each prosecution office, as the first group who will be subject to performance evaluation within three (3) months. The same draw is held after one (1) year with the aim to appoint prosecutors who will take part in the second group and the third group after two (2) years, respectively.

Q081 (2024): The evaluation of performance and work of prosecutors is regulated by law and regulations. Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.
Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate are evaluated by the committee every 3 years.
In addition prosecutors may undergo extraordinary evaluation of performance on the basis of a Council decision at the request of the chief state prosecutor or the respective chief prosecutor in one or more specific instances, if: 1. Reliable information calls into question the professionalism, ability and/or judgement of the prosecutor; 2. The prosecutor during the performance assessment by the supervisor is assessed at an insufficient level.
Q081 (2023): The evaluation of performance and work of prosecutors is regulated by law and regulations. Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.
Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate are evaluated by the committee every 3 years.
In addition prosecutors may undergo extraordinary evaluation of performance on the basis of a Council decision at the request of the chief state prosecutor or the respective chief prosecutor in one or more specific instances, if: 1. Reliable information calls into question the professionalism, ability and/or judgement of the prosecutor; 2. The prosecutor during the performance assessment by the supervisor is assessed at an insufficient level.

Q081 (2022): The evaluation of performance and work of prosecutors is regulated by law and regulations. Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.
Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate are evaluated by the committee every 3 years.

Q081 (2021): The evaluation of performance and work of prosecutors is regulated by law and regulations. Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.
Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate are evaluated by the committee every 3 years.
Q082-0 (2024): ICT Strategic Plan of the Kosovo Judicial Council 2024 – 2029
chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.gjyqesori-rks.org/wp-content/uploads/reports/13969_KJC_IT_Strategic_Plan_of_the_Kosovo_Judicial_Council_2024_2029.pdf
Q082-0 (2023): https://www.gjyqesori-rks.org/wp-content/uploads/reports/13969_KJC_IT_Strategic_Plan_of_the_Kosovo_Judicial_Council_2024_2029.pdf
Q082-0 (2021): For 2021 there was no specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.

Q082-0 (2020): There has been an IT strategy 2012-2017. For now, there is not specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.
Q082 (2022): In the KJC web portal, on September 2022 are deployed two web applications; the Case Tracking Mechanism (CTM) and Open Data Platfor, (ODP). In the CTM, parties can follow their case status data, while in the OPD are available all statistical reports of the CMIS.
Q082-1 (2020): It has just recently been developed.
Q084 (2022): All data and judgments have been entered into the system in the Criminal Evidence Database where they are within the SKJK

Indicator 3 - Efficiency and productivity

by question No.

Question 35. First instance courts: number of other than criminal law cases.
Question 36. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:
Question 37. Please indicate the case categories included in the category "other cases":
Question 38. First instance courts: number of criminal law cases.
Question 39. Second instance courts (appeal): Number of “other than criminal law” cases.
Question 40. Second instance courts (appeal): Number of criminal law cases.
Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.
Question 41-1. Role and powers of the public prosecutor in the criminal procedure (multiple replies possible):
Question 41-2. Does the public prosecutor also have a role in:
Question 41-3. Public prosecutors: Total number of 1st instance criminal cases.
Question 41-4. If the guilty plea procedure exists, how many cases were concluded by this procedure?
Question 41-5. Do the figures provided in Q41-3 include traffic offence cases?
Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?
Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?
Question 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?
Question 49. If yes, please specify the frequency:
Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?
Question 51. If yes, which courses of action are taken (multiple replies possible)?
Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 59?
Question 53. If yes, please specify the frequency:
Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?
Question 55. If yes, which courses of action are taken (multiple replies possible)?
Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):
Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible):
Question 58. Do you regularly monitor court activities (performance and quality) concerning:
Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:
Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:
Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.)?
Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?
Question 63. Are the statistics on the functioning of each court published:
Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?
Question 65. Are the statistics on the functioning of each public prosecution service published?
Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?
Question 67. If yes, please specify in which form this report is released:
Question 68. If yes, please, indicate the periodicity at which the report is released:
Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?
Question 70. If yes, please specify in which form this report is released:
Question 71. If yes, please, indicate the periodicity at which the report is released:
Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?
Question 75. Who is responsible for setting these targets for each judge?
Question 75-1. What are the consequences for a judge if these targets are not met?
Question 76. Is there a system of individual evaluation of the judges' work?
Question 76-1. Who is responsible for setting the criteria for the evaluation of the judges' work?
Question 77. Please specify the frequency of this evaluation:
Question 78. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?
Question 79. Who is responsible for setting these targets for each public prosecutor?
Question 79-1. What are the consequences for a prosecutor if these targets are not met?
Question 80. Is there a system of individual evaluation of the public prosecutors' work?
Question 80-1. Who is responsible for setting the criteria for the evaluation of the public prosecutors' work?
Question 81. Please specify the frequency of this evaluation:
Question 82-0. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)
Question 82. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?
Question 82-1. In case there is more than one CMS, how many are they? Please specify and explain.
Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next year? (Change of CMS or other main application)
Question 82-1-0. When was the running CMS developed (or in case of major redevelopment when it was redesigned)?
Question 83. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?
Question 083-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:
Question 083-2. If there is a database of court decisions at national level, what are the functionalities of this database?

Question 84. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.
Question 084-1. If there is a national database of court decisions, please specify the modalities in publishing these decisions:
Question 084-2. If there is a database of court decisions at national level, what are the functionalities of this database?
Question 85. If there are statistical tools for analysing court case data, what is their deployment rate?
Question 085-1. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

Question 036

Bosnia and Herzegovina

(General Comment): The most important case categories among civil and commercial non-litigious cases are: uncontested payment orders, non-litigious enforcement cases, inheritance proceedings, non-contentious proceedings related to personal and family matters (e.g. establishing that a person does not have legal competence, striping of parental rights), non-contentious proceedings for settling relationships between co-owners of the real estate including dissolution of co-ownership, settlement of boundary lines, voluntary sales. The majority of non-litigious cases were enforcement proceedings the state-owned utility companies initiated because of unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc.).

Serbia

(General Comment): Non-contentious proceedings are prescribed by the Law on Non-Contentious proceedings and include regulation of personal status (deprivation of legal capacity), regulation of family matters (extension of parental rights), proceedings regulating property relations (inheritance proceedings, division of common assets or property). Further, according to the Law on Companies, the court in non-contentious proceedings decides in methods of determining the value of non-monetary contribution of company's stakeholders, the proceedings at the request of the stakeholders of the Company in terms of the agenda and the proceedings at the request of the authorized nominators for holding regular company sessions.
The Law on Rehabilitation ("Official Gazette of RS", no. 92/2011) regulates rehabilitation and legal consequences of rehabilitation of persons deprived of life, liberty, and other rights for political, religious, national, or ideological reasons, up to the day this law entered into force. A higher court decides on a request for rehabilitation, based on the right to file a request for rehabilitation due to violation of the abovementioned rights, which expired on December 15, 2016.
All enforcement cases are stated in the category 2.1.
2.2.1. Non litigious land registry cases – NAP as this competence has been transferred from the courts to the Real Estate Cadastre and Republic Geodetic Authority, a special administrative organisation.
2.2.2 Non-litigious business registry cases – NAP as this competence has been transferred to the Serbian Business Registers Agency (“SBRA” / Serbian: “APR”), which in accordance with the Law on Business Entities Registration (operative as of 1/1/2005): Register of Companies (in effect as of 1 January 2005), Register of Entrepreneurs (in effect as of 1 January 2006), Register of Foreign Representative Offices (in effect as of 1 January 2006). Running centralized registers in a single institution such as the SBRA, which has jurisdiction over the entire territory of the Republic of Serbia, provides standardized registration practices.

Question 037

Serbia
(General Comment): Incoming and outgoing cases of international legal cooperation, letters rogatory in civil and commercial matters -Incoming and outgoing cases of international legal cooperation, letters rogatory in civil and commercial matters,
-Certification of documents, certification of documents intended for use abroad (according to the Hague Convention), issuance of various certificates, eg. on deprivation of legal capacity, on deprivation of parental rights.
NOT INCLUDED: The Law on Bankruptcy (“Official Gazette of RS“, no. 104/09) prescribes that the Government shall regulate the content and procedure for registration and management of the Bankruptcy Estate Register, etc. by the authority competent for managing this register – the Business Registers Agency (SBRA – APR). The Bankruptcy Estate Register began to operate on 23 January 2010. The Bankruptcy Estate Register is a single, centralized, electronic database on bankruptcy estates, on which the competent courts have reached a decision after 23 January 2010.

Question 038

Albania
(2024): 3.Other criminal cases “Administrative criminal cases” and “Anti-mafia law cases”. From the data reflected here, anti-mafia law cases are 11 pending on January 1, 2024, 54 new cases, 49 adjudicated, 16 awaiting adjudicatory on December 31, 2024; 3 older than two years. The rest are administrative criminal cases.

(2023): Based on the table of statistics collected from the reporting of the courts “other cases” refers to “administrative criminal cases”.

(2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.
The number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.

(2021): Criminal requirements of the preliminary investigation phase; Criminal cases of the preliminary hearing; Criminal requirements of the execution phase; Security measures; parole; Extradition

(2020): Variations from the previous cycle remain unexplained

Bosnia and Herzegovina

(General Comment): As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include data for criminal cases from the first instance jurisdiction of second instance courts. Regardless of the above change, the general trends for criminal cases in 2023 remain similar to the tendencies from the previous reporting cycles.
Severe criminal offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: punishments, suspended sentence, security measures and educational measures. Examples of serious criminal offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.
Statistics on severe criminal offences include data on the cases in which the main part of the proceedings has started following the confirmation of indictment by court.
Minor offence or misdemeanor cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed because of being found responsible for a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences: traffic offences, violations of public order, begging etc.
Statistics on misdemeanor offences include data on the cases in which the main part of the misdemeanor proceedings has started.
Statistics on other cases include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.)
statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and to the enforcement of pronounced penalties.

(2024): Criminal cases: As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include data for criminal cases from the first instance jurisdiction of second instance courts. Regardless of the above change, the general trends for criminal cases in 2024 remain similar to the tendencies from the previous reporting cycles.
Misdemeanor cases:
The number of pending first-instance misdemeanor cases increased significantly during 2024 – by 33%, unlike the previous year during which the number of pending cases rose only by 1%. The number of incoming cases continued to expand in 2024 – by 31%. The most significant increase in the influx of cases occurred in several courts in major towns, due to the increased number of requests for initiating misdemeanor proceedings from various administrative authorities and police (i.e. traffic violations). The first-instance court in the capital of Bosnia and Herzegovina has received a particularly large number of new misdemeanor cases initiated by the police against citizens for committed traffic violations. Furthermore, the courts resolved more cases in 2024 than in the previous year. However, the courts failed to achieve 100% clearance rate in 2024 (i.e. 77%).

(2023): Criminal cases As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include data for criminal cases from the first instance jurisdiction of second instance courts. Regardless of the above change, the general trends for criminal cases in 2023 remain similar to the tendencies from the previous reporting cycles.
Misdemeanor cases:
The number of pending first-instance misdemeanor cases increased by 1% during 2023, unlike the previous reporting year (i.e. 2022) during which the number of pending cases decreased by 12%. The number of incoming cases in 2023 was higher by 7% compared to 2022. The most significant increase in the influx of cases occurred in several courts in major towns, due to the increased number of requests for misdemeanor proceedings from various administrative authorities and police (i.e. traffic violations). Furthermore, the courts resolved more cases in 2023 than in the previous year. However, the courts failed to achieve 100% clearance rate in 2023 (i.e. 99%).

(2022): There has been a significant decrease in the influx of first instance severe criminal law cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions. In 2021, however, the number of incoming first instance severe criminal law cases rose by 8% compared to 2020. Still, that number is smaller than the number of incoming first instance severe criminal law cases registered in 2019 and 2018. Statistics on first-instance criminal cases in 2022 indicate that the situation in the courts is, basically, consistent with the parameters from 2021.
Unlike previous years, the number of incoming cases decreased in 2022. Consequently, the number of pending cases in the first instance decreased at the end of 2022. The reduction in the influx of cases was recorded, predominantly, in the largest courts. This is not a consequence of legislative changes. It remains to be seen whether such indicators will continue to be achieved in the coming period.
Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.
Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor’s office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

(2021): There has been a significant decrease in the influx of first instance severe criminal law cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions. In 2021, however, the number of incoming first instance severe criminal law cases rose by 8% compared to 2020. Still, that number is smaller than the number of incoming first instance severe criminal law cases registered in 2019 and 2018.
In addition, as in 2019 and 2020, the number of incoming first instance misdemeanour cases continued a clear upward trend in the reference year. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. In addition, the number of resolved first instance cases in 2021 was bigger in comparison to 2020, which was marked by the Covid-19 measures restricting the work in prosecutors' offices and courts. However, the courts failed to reach the 100% clearance rate in the reference year. Consequently, the number of pending misdemeanour cases continued to grow in 2021 as in the previous years. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.
Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

(2020): Specific comments for 2020:
There has been a significant decrease in the influx of first instance severe criminal cases over recent years, that trend improved in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the epidemic of Covid-19. However, in contrast to 2019, the number of resolved first instance criminal cases plunged in 2020, due to Covid-19 measures restricting the work in prosecutors' offices and courts. Therefore, the number of pending severe criminal cases was bigger at the end of the reporting year. As in 2019, the number of incoming first instance misdemeanour cases continued to raise in 2020. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. The number of resolved first instance cases in 2020 was lesser compared to 2019 because of Covid-19 measures restricting the work in courts. Consequently, the number of pending misdemeanour cases continued to grow in 2020 as in the previous year. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.

(2019): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and for the enforcement of pronounced penalties.
Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Also, the historical statistics since 2014 show the decrease of the severe criminal cases. Due to the increase of the incoming misdemeanor and other cases in 2019 the courts did not achieve 100% clearance rate causing the increase of the number of pending cases at the end of 2019. The increase of the incoming cases was mostly the result of a more strict approach of the law enforcement institutions with regards to the punishing traffic offences. Also, it is important to note that although the increase of pending misdemeanor cases between 2018 and 2019 is high in relative terms, it is not as significant in absolute numbers.

Montenegro
(2024): Other cases are Misdemeanor cases - Execution cases for misdemeanor (IPS)

(2023): reason that sum up numbers do not match is that certain number of cases were delegated, and there is no option to show it. (souce Judicial Coucil)
other criminal cases - Misdemeanor cases - Execution cases for misdemeanor (IPS)

(2022): Higher inflow (number of received cases by misdemeanour courts due to the fact in practice that the subject with jurisdiction of issuing misdemeanour orders (fines) were using the legal possibility to initiate misdemeanour proceedings before the courts instead. That led to higher inflow of cases which reflected to the number of unresolved cases. This was mainly the issue related to the slowdown of public procurance system (major cyber attacks etc.) in the refence year and a lack of relevant forms for issuing misdemeanour orders (fines).

(2020): 1. Severe criminal cases":
Basic and High courts
- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)
"2. Misdemeanour and / or minor criminal cases":
- Misdemeanor cases (PP) - Misdemeanor courts
"3. Other cases":
Misdemeanor cases - Execution cases for misdemeanor (IPS)
Discrepancy elaboration regarding increase of severe criminal cases pending on 31st December of ref.year: In 2020, there was a higher inflow of cases than in 2019, so there were more unresolved cases.

North Macedonia

(2023): Pending cases increased due to the low clearance rate last year as a result of insufficient number of judges

(2022): Category 2. Please, see also the comment for Q 35. High number of judge retirements in 2022 caused by new compulsory age of retirement probably is the reason for higher number of unsolved cases. Also, in 2023 we are expecting more retirements of judges due to this reason.

(2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.

(2020): In the numbers on this question are not included cases connected with enforcement of criminal (and misdemeanor) cases.

Serbia

(General Comment): We excluded misdemeanor cases (364.414) in the category other cases.

(2024): Following the CEPEJ clarification, the figures initially submitted under Q38 were revised. Administrative acts (e.g. issuance of certificates, parole procedures) previously included in the total number of criminal cases have now been excluded in compliance with the CEPEJ methodology.

(2023): Official information obtained by the Supreme Court
According to the CEPEJ methodology we we excluded the requested category of misdemeanor cases

(2022): All answers were provided by the competent institution (Supreme Court of Cassation)

(2021): The transition to a new case management system is the cause of uneven numbers. We will provide a more detailed explanation as soon as possible.
"Higher courts:
-International letters rogatory - incoming and outgoing in criminal matters, international letters rogatory in criminal matters for the provision of general types of international legal assistance
-Educational (supervision) orders, educational measures and security measures (educational orders and execution of educational orders and security measures)
-Execution of imprisonment in the Department for Organized Crime and the Department for War Crimes (Decisions of the President of the Court instructing, extending or revoking serving a prison sentence in the Special Department of the Pozarevac Penitentiary)
-Register of Criminal Extrajudicial Chambers (deciding on appeals in the first instance against pre-trial judge's decisions, confirmation of indictments, deciding on motions of parties and acting judges, decisions on appeals against prosecution decisions on costs, and other in the regular criminal department, Department for organized crime, the Department for War Crimes, the Department for Juveniles, the Department for the Suppression of Corruption)
-Records on juvenile perpetrators of criminal offenses who were sentenced to an educational measure, educational order, security measure, accommodation in a correctional facility, imprisonment (criminal records for juveniles are kept by the court)
-Requests for amnesty (regular criminal department, organized crime department, war crimes department)
-Register of decisions of pre-trial judges regarding the proposals of the prosecutor's office for ordering detention or other measures (regular criminal department, organized crime department, war crimes department, cyber crime, anti-corruption department) -Register of pre-trial judges for various actions during the prosecutorial investigation (regular criminal department, organized crime department, war crimes department, high-tech crime, anti-corruption department)
-The register regarding criminal cases, but not to specific court cases, forwarded to the competent court or prosecutor's office, or answers, for instance to the Ministry of Interior if they need some data from criminal registers regarding persons against whom proceedings were or are being conducted, etc. (regular criminal department, Department for Organized Crime, Department for War Crimes and Department for Juveniles, Department for Suppression of Corruption)
-Requests for recognition of a foreign court decision, requests for extradition (regular criminal department, organized crime department, war crimes department)
-Requests for parole (Regular Criminal Department, Organized Crime Department, War Crimes Department, Juvenile Department, Anti-Corruption Department)
-Register of the judge for execution of criminal sanctions: complaint, appeal, request for judicial protection, report of the judge for execution of criminal sanctions, notification, request, etc. submitted by convict, detainee, institute for execution of criminal sanctions, attorney and others.
-Requests for temporary confiscation of property (regular criminal department, organized crime department, war crimes department, anti-corruption department)
-Requests for permanent confiscation of property (regular criminal department, organized crime department, war crimes department)
-Incoming international letters rogatory in criminal matters (through the competent authorities or directly, in the regular criminal department, the Department for Organized Crime, the Department for War Crimes, the Department for the Suppression of Corruption)

Kosovo*

(2024): In section one which deals with severe criminal cases, we have included the criminal cases in the general department, the criminal cases in the serious crimes department and the criminal cases in the special department. Juvenile criminal cases are included in misdemeanor/minor cases section.
In section three, other cases we have included the number of criminal cases that are still in pre-trial proceedings.

(2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year.

(2020): The discrepancy in misdemeanor cases is because of the switch to Case management system(CMIS). The pending cases at the end of 2019 have not been included in the CMIS. After the communication with Judicial Council, we have been informed that all the pending cases from 2019 have been solved, but are not included in the CMIS. To be more specific, from 26070 pending cases (31st Dec 2019) 22729 have been not included in the CMIS. This is why the number of resolved cases is significantly lower than the number of incoming cases. As for the decrease in the number of incoming cases, it is mainly a result of the full lockdown which was imposed from mid- March to June. Restrictive measures, including restriction in the free movement have remained in place during all the year.

Question 039

Albania

(2023): The increase in the number of administrative resolved cases In 2023, the number of judges effectively in office is 8.3 judges marking an increase of 49% but again far from the full number of the corps of 13 judges. Also, the number of non-judge staff increased by 46% during 2023, reaching in 67 non-judge support staff.

(2022): The decrease in the number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.
As regards administrative cases, during 2022 the Administrative Appeal Court has functioned with 43% of judges.

Bosnia and Herzegovina

(2024): Civil (and commercial) litigious cases: In 2024, the trend of decreasing total number of unresolved civil commercial cases at the second level continued, as well as a decrease in the number of unresolved cases older than two years. This trend was especially facilitated by the continuous reduction of backlog in several of the largest courts that have jurisdiction over civil commercial disputes at the second stage. It is important to note that one of the second-level courts received a large number of simple cases, which were resolved during the reporting year, resulting in an increase in the total number of received cases compared to 2023, but this did not lead to an increase in the number of unresolved cases during 2024.
Administrative cases:
The courts registered the increased numbers of incoming administrative cases in 2024 in contrast to the previous year; the workload increased particularly in one of the courts, which had to decide urgently on the huge number of the complaints against the election commission's decisions in relation to the 2024 local elections. In addition, other courts have also received a somewhat higher number of administrative cases in 2024 compared to 2023, which has contributed to a slight increase in the number of unresolved cases in the reporting year.

(2023): Civil (and commercial) litigious cases: The number of incoming second instance civil commercial litigious cases declined in 2023, following a massive one-time increase in the influx of cases in one of the courts in 2022. The influx of this category of court cases in 2023 is in balance with the influx of cases in 2021. In addition, there has been a significant decrease in the number of second instance civil commercial litigious cases over recent years. This trend continued in 2023. It is particularly facilitated by the continuous reduction of backlog in several of the largest courts that have jurisdiction over second instance civil commercial litigious cases.
Administrative cases: The number of incoming second-instance administrative law cases remained stable in 2023 compared to the influx of cases in 2022 and 2021. In 2023, the courts continued to reduce the number of second-instance administrative law cases in 2023, which is in line with historical trends for this category of court cases.

(2022): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 2021, however, the number of incoming second instance civil commercial litigious cases was increased by 9% compared to 2020; nevertheless, that number is by far smaller than the number of incoming second instance civil commercial litigious cases registered in 2019 and 2018. This trend continued in 2022. However, one of the second-instance courts received a large number of simple cases, which were resolved during the same year, which resulted in an increase in the total number of cases received compared to 2021. This was a one-time increase in the influx of cases, related specifically to this court's territorial jurisdiction. Furthermore, the courts with the biggest caseload in the country have managed to surpass the 100% clearance rate for many consecutive years, including the reference year; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2022. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. When it comes to administrative court cases, the number of pending cases has been further reduced in 2022, confirming indicators from 2021.

(2021): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 2021, however, the number of incoming second instance civil commercial litigious cases was increased by 9% compared to 2020; nevertheless, that number is by far smaller than the number of incoming second instance civil commercial litigious cases registered in 2019 and 2018. In addition, the courts with the biggest caseload in the country have managed to surpass the 100% clearance rate for many consecutive years, including the reference year; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2021. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the decreased numbers of incoming and resolved administrative cases in 2021 in contrast to the previous year. The workload shrank predominantly in one of the courts in the reference year; which received almost no complaints against the decisions of the election commission unlike in 2020.
In general, the courts maintained the trend from 2020 and previous years to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

(2020): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In addition, the courts with the biggest caseload in the country have surpassed the 100% clearance rate; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2020. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the increased numbers of incoming and resolved administrative cases in 2020 in contrast to the previous year; the workload increased particularly in one of the courts, which had to decide urgently on the huge number of the complaints against the election commission's decisions in relation to the 2020 local elections. The courts maintained the trend from 2019 to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

(2019): There has been a significant decrease in the influx of civil commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of administrative cases was registered in 2019 as in the previous year; in such conditions the backlog of cases was reduced in 2019. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending civil, commercial and administrative cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Montenegro

(2023): These are different types execution cases, execution of payments, cases upon constitutional appeal in commercial cases etc.
Decreasing number of resolved is a general issue, because of higher inflow of cases and same or less capacities.

(2022): higher inflow of cases in 2022

(2021): The total of other than criminal law cases is the same as the situation at the end of 2020. and the number of received O(legacy) and RS (complex non-litigation cases) cases has increased. No further explanation was provided.

(2020): Total of other than criminal law cases (1+2+3+4) - Total number given in this file represents High and Appellate court cases
1. Civil (and commercial) litigious cases - High and Appleate court: -Civil appeals (Gž and Pž) for (Civil cases (P) and Civil cases – small value (Mal))
2.1. General civil (and commercial) non-litigious cases - Civil appeals (Gž and Pž) for (Complex non-litigious cases (Rs) and Other civil and non-litigious cases (R))
2.3. Other non-litigious cases - -Civil appeals (Gž and Pž) for (Legacy cases (O))
3. Administrative law cases - -Supreme court -Administrative appeal cases (Uvp)
4. Other cases - ***Civil appeals (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))
Clarification on discrepancies:
Total of other than criminal law cases for pending cases 31.dec RY As the number of unresolved cases decreased on 01.01, the inflow of cases in the reporting year also decreased, thus, the number of unresolved cases decreased on 31.12.2020. year.

North Macedonia

(2024): The increase in the number of pending cases is result of insufficient number of judges.

(2023): Law clearance rate for civil and administrative cases is a result of insufficient number of judges.

(2022): Category 1 - In 2022 there was no reason for larger number of income cases as it was in 2021 (see explanation in previous cycle).

(2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.

Serbia

(General Comment): Courts deciding in the second instance (on appeal) in the "non-criminal" cases, as courts of general jurisdiction are: Higher courts: they decide upon the decisions in civil disputes and the judgment in small claims and the non-contentious proceedings.
Appellate courts: upon the decisions of higher courts and judgements of the basic courts in civil disputes unless deciding on appeals is not under the competence of higher court.
Commercial Court of Appeal: second instance commercial proceedings involving appeals, conflict and delegation of jurisdiction between commercial courts.
Misdemeanour Court of Appeal: proceedings involving appeals against first instance decisions of misdemeanour courts in cases related to whistle-blowers and conflict and delegation of jurisdiction between misdemeanour courts (cases not misdemeanour as such).
There is no second instance in administrative disputes.
With regard to "non-litigious cases", and more particularly "other non-litigious cases", it should be pointed out that, in 2015, amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction.

(2024): Official information obtained by the Supreme Court

(2023): Official information obtained by the Supreme Court

(2022): 1.The lower number of incoming cases in second instance in 2022 is primarily explained by the decrease of incoming civil and commercial cases in basic and commercial courts. During 2019, 2020 and 2021 there was a large number of specific type of cases related to the costs of bank loans. After supplementing the legal position of the Supreme Court of Cassation from September 16, 2021, number of these cases gradually decreases. However, due to the mentioned repetitive cases (litigation for reimbursement of costs bank loans), second instance courts were unable to handle such a large influx from the previous year (regardless of the fact that the inflow in 2022 was lower), so the number cases increased.

(2021): Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija. The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.
With regard to this question for more insight please see the analysis provided within the Annual Report on Work of Courts for 2021:
OVERVIEW OF THE NUMBER OF PENDING CASES BEFORE COURTS IN THE REPUBLIC OF SERBIA
2017.2018.2019.2020.2021.
TOTAL AT THE NATIONAL LEVEL - ALL CASES1,911,0861,701,5801,656,6451,510,4721,498,237
TOTAL AT THE NATIONAL LEVEL - EXCEPT ENFORCEMENT1,118,2011,024,5211,072,1561,209,6311,450,878
Table 7
* Figures for basic courts include Registers I, Iv while commercial courts include all enforcements
The number of pending cases – except enforcement – increased when compared to 2017, as a result of the increased number of cases received in the last five years (more than two and half million cases above the expected inflow) that the judicial system couldn't absorb completely. Since there was no timely systemic reaction to the enormously increased number of incoming cases, while at the same time, the number of court staff decreased and new employment was banned, or was limited, courts did not manage to stop the trend of increase of the number of pending cases, since 2018 (1.024.521). In 2019, the number of pending cases slightly increased, however, in 2020 there was a significant increase of pending cases in trial matters due to extraordinary circumstances and implementation of measures for protection of population from the pandemic, which is why the courts in the Republic worked with significantly reduced capacities.
The trend of increasing the number of pending cases continued in 2021, caused by the additional burden on the court system with so far the largest inflow of cases, which was mostly reflected in the number of pending cases in basic and misdemeanour courts.
The ratio of incoming, disposed and pending cases at the end of 2021 comparing to the previous reporting periods, shows a decreased number of pending cases (1,498,237) and increase of the number of disposed cases (2,415,672) resulting from the increased engagement of judges and judicial staff, although in circumstances of the enormous increase of inflow (2,402,486).
The ratio of incoming, disposed and pending cases in the period from 2017 to 2021 shows a continuously decreasing number of pending cases, a slight decrease in the number of disposed cases in 2020, and a sharp increase in 2021, by 401,843 more cases than in the previous year, as well as a variation in the number of incoming cases, with the largest escalation recorded in 2021, by 534,575 more cases compared to the previous year.
The increase in the number of incoming and disposed cases indicates excessive workload of judges and court staff, despite the systematic measures taken to reduce the number of backlog cases in courts.

(2020): The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

Kosovo*

(2024): In section one, which deals with general civil and commercial cases, enforcement litigious cases are included because in Kosovo, enforcement procedure is contested procedure (In the past these cases were included in the non-litigious section, but we wish to correct this practice, see Article 17 of the Law on Enforcement Procedure).
Please note that registry cases are not dealt by the court in Kosovo. With regard to civil litigation cases at the second instance, a total of 8,875 such cases were received by the Court during 2023, whereas in 2024 a total of 15,774 cases were received, representing a 78% increase. (The number indicated here refers only to commercial litigious cases)
The reasons behind this significant rise in these cases are linked to the unwillingness of the relevant institutions to ensure the enforcement of workers' rights arising from employment relationships. More specifically, the increase relates to specific monetary claims derived from applicable legislation, including relevant laws for various categories of employees, the non-implementation of the General Collective Agreement of Kosovo, the respective Collective Agreements in the Education sector, the Sectoral Collective Agreement in the Health sector, and relevant secondary legislation regulating monetary rights from employment relationships for the Kosovo Police and the Kosovo Security Force. As a result of these lawsuits—specifically the cases resolved by first-instance courts—there has also been a corresponding increase in the number of such cases before the Court of Appeals of Kosovo.
With regard to the cases handled by the second-instance chambers of the Commercial Court, it should be emphasized that the underlying causes are related to the operationalization of this Court. Although the Kosovo Judicial Council (KJC) undertook all necessary actions within the legal timeframe to make the Court functional, this has been an ongoing process that began in 2022. Following the consolidation and full operationalization of the Court, the first-instance judges were able to resolve more cases in the following years, particularly in 2023, as conditions were created that improved the efficiency of the work process. This, in turn, directly contributed to an increase in the number of cases appealed to the second-instance chambers of the Commercial Court.

(2021): There is a lack of data for several categories because the Judicial Council has not been able to register all the data in the CMIS for the second instance. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35 regarding the first instance. To be specific, the administrative cases increased in the first instance and they proceeded to the second instance via appeals.

(2020): We do not have the data on pending cases for the second instance this year, because the Judicial Council has not been able to register all the data in the CMIS for the second instances. We might have the data during the coming months, but we do not have a definite answer when these data will be available. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35.

Question 040

Albania
(2024): 3. Other criminal cases "Administrative criminal cases" and "Anti-mafia law cases". From the data reflected here, anti-mafia law cases are 1 pending trial on January 1, 2024, 18 new cases, 19 adjudicated, 0 pending trial on December 31, 2024; there are no anti-mafia law cases older than two years. The rest are administrative criminal cases.

(2023): Based on the table of statistics collected from the reporting of the courts “other cases” refers to “administrative criminal cases”.

(2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.
Long disposition time is due to the lack of judges and uneven distribution of workload.

(2020): A decrease in the number of resolved criminal cases (-45%) remains unexplained

Bosnia and Herzegovina

(General Comment): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q040, i.e. incoming, resolved, pending, pending older than two years) include only second instance cases within the jurisdiction of the second instance courts, whereas the first instance cases within their jurisdiction are included in the statistics under the question Q038 First instance courts: number of criminal law cases. In addition, the statistics included under the question Q040 do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts under the Q100 (Evaluation of the judicial systems 2024) Highest instance courts (Supreme Court): Number of criminal law cases. Their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. The courts of appeal have jurisdiction only to deal with the second-instance misdemeanor cases. Severe criminal offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.
Minor offence cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed as a consequence of being found responsible for commission of a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences are: traffic offences, violations of public order, begging etc.
Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor’s office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanor proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanor proceedings.

(2024): Criminal cases:
As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include only data for criminal cases from the second instance jurisdiction of relevant courts, whereas the statistics on cases generating from their first instance jurisdiction are included in the data for the first instance courts: number of criminal law cases. Regardless of the above change, the general trends for criminal cases for this question remain similar to the tendencies from the previous reporting cycles, with small increase in the number of pending cases being registered from year to year.
Misdemeanor cases:
The number of pending second-instance misdemeanor cases was decreased during 2023 by 39%, unlike the previous reporting year (i.e. 2023) during which the number of pending cases was increased by 13%. However, it is important to note that this modification was not significant in absolute terms. The number of incoming and resolved cases remained relatively stable in the reporting year compared to 2023.

(2023): Criminal cases:
As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include only data for criminal cases from the second instance jurisdiction of relevant courts, whereas the statistics on cases generating from their first instance jurisdiction are included in the data for the first instance courts: number of criminal law cases. This change may lead to some inconsistencies between data for 2023 and the previous reporting cycle. Regardless of the above change, the general trends for criminal cases for this question remain similar to the tendencies from the previous reporting cycles.
Misdemeanor cases:
The number of pending second-instance misdemeanor cases rose during 2023 by 13%, unlike the previous reporting year (i.e. 2022) during which the number of pending cases decreased by 10%. However, it is important to note that this modification was not significant in absolute terms. The number of incoming and resolved cases remained stable in the reporting year compared to 2022.

(2022): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include only second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease of the first instance severe criminal cases over recent years to the second instance courts of the aforementioned category. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In addition, in 2020 the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019 and 2018. The number of the first instance severe criminal cases remained stable in 2021 and 2022.

(2021): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease of the first instance severe criminal cases over recent years to the second instance courts of the aforementioned category. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In addition, in 2020 the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019 and 2018. The number of the first instance severe criminal cases remained stable in 2021.
As for the number of incoming severe criminal law cases at second instance courts, it was increased in 2021 compared to 2020; nevertheless, that number is smaller significantly than the number of incoming severe instance criminal law cases registered at second instance courts in 2019 and 2018.
The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases dropped slightly in 2021, the decrease is not as significant in absolute numbers.
When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2021 mostly due to the measures which continued to be implemented against the spread of Covid-19 virus in the reference year (e.g. number of persons in the court rooms was restricted). However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

(2020): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease in the influx to the second instance courts of the aforementioned category of the first instance severe criminal cases over recent years. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In 2020, the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019. Although the second instance courts resolved smaller number of severe criminal cases in 2020 compared to the previous year, they were able to exceed the 100% clearance rate during the reporting year. Accordingly, the number of pending first and second instance severe criminal cases declined significantly in the reporting period.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases continued to rise considerably in relative terms in 2020, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2020 mostly due to the measures implemented against the spread of Covid-19 virus. However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

Note regarding 2019 data: During the analysis of data for 2020, a technical error was discovered in the Business Intelligence System. In 2019, the error caused that certain number of incoming and pending criminal cases could not be identified as severe criminal cases; instead, the Business Intelligence System included incorrectly those cases in the other cases category. The correct data for 2019 have been prepared in order to replace the previously included data for that year.

(2019): Second instance courts have dual subject matter in criminal matters. Second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases.
There has been a significant decrease in the influx of severe criminal cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for severe criminal cases in the same period. The number of misdemeanor cases and other cases rose considerably in relative terms between 2018 and 2019, the increase is not as significant in absolute numbers.
When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable).

Montenegro

(2022): During 2021 the High Court in Podgorica operated with 6 judges less. In the same year there were no new appointments to fill the missing judicial positions in the court. That affected the efficiency of the court, which is the one with the highest number of criminal cases in the second instance.

(2021): The number of resolved cases is smaller, so the number of unresolved cases is higher. No further explanation was provided.

(2020): 1. Severe criminal cases":
High courts and Appelate court
- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases": High misdemeanor court
- Misdemeanor appeal cases (Pžp)

Clarification of discrepancies:
Total of criminal law cases (1+2+3) for pending cases on 1. jan RY In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Severe criminal cases for pending cases on 1 Jan. ref. year
In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Also, in 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year.

North Macedonia

(2024): The reduction in the number of pending cases is the result of new appointed judges which resulted with high clearance rate (above 100%)

(2023): Law clearance rate from previous year for severe criminal cases is a result of insufficient number of judges.

(2022): Category 1. In 2022, we still had some negative effects from Covid -19 virus on the proceedings before courts.

(2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.

Serbia

(2024): Official information obtained by the Supreme Court

(2023): Official information obtained by the Supreme Court

(2022): All answers were provided by the competent authority

(2021): Please note that all provided data to not cover Serbian Autonomy province of Kosovo and Metohija. Register of appeal cases with regard to confiscation of property (including cases of organized crime), cases regarding requests for release on parole, different criminal cases regarding minors, cases regarding extradition and transfer of convicted persons in ordinary criminal cases, (also in cases of organized crime and war crimes), extension of detention in cases of cyber crime, different decision of the extrajudicial chamber, cases regarding transfer of cases to other courts.

Kosovo*

(2024): In section one which deals with severe criminal cases, we have included the criminal cases in the general department, the criminal cases in the serious crimes department and the criminal cases in the special department. Juvenile criminal cases are included in misdemeanor/minor cases section.
In section three, other cases we have included the number of criminal cases that are still in pre-trial proceedings.

(2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year. Same comments as for the first instance.

(2020): The decrease in numbers, as explained in Q35, is because of the national lockdown and other restrictive measures applied throughout the 2020.

Question 041

Albania
(2023): NA

(2022): In the present condition of the CMS system, we cannot calculate the exact average length of proceedings. We use the disposition time as a proxy.

Bosnia and Herzegovina
(General Comment): Description of calculation method: The average length of court procedure is calculated as the average of time needed to resolve a case for cases resolved during the reporting year. The average length of court procedure for resolving the case is calculated separately for different phases of the court procedure - from the day of initiating the phase of the court procedure to its completion. The data are retrieved from the case management system.
Average total length of the total procedure:
The average length of the total procedure is calculated as the average of time needed to resolve a case for all cases resolved in the different phases of court procedure during the year. (e. g. The first instance employment dismissal case is resolved in 100 days from its lodging with the first instance court, second instance employment dismissal case is resolved in 120 days from its lodging with the second instance court, and third instance employment dismissal case was resolved in 120 days. The average length of the total procedure employment dismissal cases is calculated as follows: 100+120+120/3=113,3 days.)

(2024): In 2024, data on the average duration of civil and commercial litigious proceedings remains mostly stable, with the exception of a significant reduction in the average length of second instance cases. This reduction is largely due to the fact that one of the courts had to resolve a large number of new cases in a short period of time, as indicated in the commentary for 039 Second instance courts (appeal): Number of 'other than criminal law' cases.
As in previous years, changes have been recorded in the data for this reporting year compared to the previous year regarding other types of court cases under 041 (Contested divorce cases, Termination cases, Insolvency cases, Robbery cases and Intentional homicide, Bribery cases, Influence peddling). It is important to place these differences in the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

(2023): In 2023, an average duration of proceedings continued to get reduced for the resolved first and third instance civil and commercial litigious cases, which is consistent with the decrease in the number of pending cases for both case categories during the reporting year. Unlike 2022, the average duration of second-instance civil and commercial cases rose slightly in 2023. This occurred mostly because the courts with the biggest number of pending cases resolved certain number of very old cases during the reporting year. It is important to note that the backlog of old first instance litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.
As in previous years, as far as other types of court cases are concerned under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

(2022): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year are consistent with the statistical information for such cases in 2021.
It is important to note that the backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.
The average duration of second-instance litigation and economic resolved cases decreased significantly due to the increase in the number of resolved cases in the largest courts of second instance in Bosnia and Herzegovina.
As in previous years, as far as other types of court cases are concerned under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

(2021): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year are consistent with the statistical information for such cases in 2020.
It is important to note that the backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.
As for other cases under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.
Finally, it appears that the increase in the length of proceedings in the first instance court cases resolved in 2021 originated from the smaller number of disposed cases in 2020, following the Covid- 19 restrictions regarding the functioning of the courts.

(2020): Civil and commercial litigious cases:

Overall, in relation to the civil and commercial litigious cases, the relevant trends and indicators for 2020 are corresponding to the results the courts achieved in 2019.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before the first instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence):

There is no particular explanation of the variations for other cases between 2019 and 2020. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). Furthermore, in 2020, Covid- 19 restrictions regarding the functioning of the courts affected differently their work on individual cases and case types. When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

(2019): Civil and commercial litigious cases:

The average length in 2nd instance resolved civil and commercial litigious cases increased in 2019, compared to 2018, because the second instance courts resolved significant number of old cases, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Also, the number of resolved old civil and commercial cases increased in some of the biggest second instance courts trough temporary assignment of judges from other second instance courts with a smaller caseload. The average length in 3rd instance resolved civil and commercial cases was reduced in 2019, compared to 2018, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before 1st instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides):

There is no particular explanation of the variations for other cases between 2018 and 2019. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases).

Montenegro

(2021): The duration of proceedings related to Intentional homicide cases has been increased due to resolved 2018 cases.
The number of appeals filed in Litigious divorce cases Robbery cases has also decreased, and the number of appeals related to Eployment dismissal cases has increased.

(2020): Clarification of discrepancies:
Employment dismissal cases in column % of decisions subject to appeal
In reference year there was a lower number of cases that went on appeal; Robbery cases in column % of decisions subject to appeal In the reference year, more cases went on appeal
In the column % of cases pending for more than 3 years for all instances in the row concerning Civil and commercial litigious cases, in the last reporting period the relationship with Unresolved cases was used, and this year realistic data concerning the relationship between Unresolved cases over 3 years of age were set in relation.
There are some variations between data of length of proceedings in 2019 and in 2020 which have not been explained (notably decrease of length of proceedings for litigious divorce cases and employment dismissal cases in first instance ; increase of length of proceedings for insolvency cases in first instance ; increase of length of proceedings in first instance and decrease in second instance for civil and commercial cases).

North Macedonia

(2022): It must be emphasized that the data are collected manually from the ICT system in all courts within North Macedonia. After that, the data are calculated manually in the courts and in the Ministry of justice (Excel calculation). Some of data are only from one court (for example: 130 days at first instance - trading in influence cases). 2/27 from courts didn't answer correctly to the tables, so 2 courts are excluded from calculations. According to this, the collection of data for these questions is without guarantees for total accuracy.

(2021): There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

(2020): There was not trading in influence cases in 2020 in the Macedonian courts.
There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

Serbia

(General Comment): In order to calculate the average length of the court proceedings in days for the first and second instance, for insolvency, the following formula was used: pending / resolved * 365

(2024): As already stated in previous reports only data on the insolvency cases is available (according to the calculation of the Commercial Appellate Court). The notable decrease in the average duration of second-instance proceedings (41 days in the 2025 report compared to 52 days in the 2024 report) is primarily due to the resolution of several long-standing bankruptcy cases, some of which had been pending for more than 20 years.
These cases concerned former socially-owned enterprises (including banks) whose assets were located in various republics of the former SFRY. Since the Agreement on Succession Issues did not address this matter, bankruptcy proceedings against such entities could not be concluded for years before the Commercial Court of Appeal.
In 2023, the Supreme Court issued four legal opinions in the field of commercial law, which facilitated the resolution or suspension of a number of these long-pending cases (see: https://www.vrh.sud.rs/sr/2023-0). This had a direct impact on reducing the average duration of proceedings before the second-instance commercial court.
According to the CEPEJ formula:
In 2023: 396 cases were resolved and 56 remained pending → average duration: 51,61 days
In 2024: 351 cases were resolved and 39 remained pending → average duration: 40,55 days

(2023): As already stated in previous reports only data on the insolvency cases is available (according to the calculation of the Commercial Appellate Court)

(2020): It is not possible to provide automatically this information. The AVP application enables certain information but in order to provide this information the courts need to make multiple individual inquiries in order to get the requested data – such is the case with the Litigious divorce case. It is even more difficult to gather information for Employment dismissal cases – all employment cases are registered within the same register so it would be very difficult for courts to extract the requested type of cases- dismissal cases. Therefore the information requested in this table in most cases is not available.
These data are not automatically available. They refer to registers given within the question 35 (Civil (and commercial) litigious cases. Not all of these cases can be submitted to the third instance (extraordinary legal remedies) . The length of the proceedings is calculated for each instance according to CEPEJ Disposition Time formula and not an average length.

Kosovo*
(2020): These data (only this year) are not available at this moment; until the Case Management System becomes fully functional.

Question 041-1

Albania
(2024): To discontinue a case without needing a decision by a judge: Only for misdemeanors, in accordance with the article 328 of CPC.

Bosnia and Herzegovina

(General Comment): Pursuant to the criminal procedure legislation, the basic duty of the prosecutor is the detection and prosecution of perpetrators of criminal offenses. The prosecutor has the following powers: a) as soon as the prosecutor becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; b) to conduct an investigation in accordance with the law; c) to grant immunity in accordance with law; d) to request information from governmental bodies, companies and other physical and legal persons; e) to issue summonses and orders and to propose the issuance of summonses and orders in accordance with the law; f) to order authorized officials to execute an order issued by the court as provided by the law; g) to propose the issuance of a warrant for pronouncement of the sentence; h) to issue and defend indictment before the court; i) to file legal remedies; j) to perform other tasks as provided by the law.

(2024): Prosecutors may end the criminal cases against juveniles by imposing certain types of criminal sanctions - i.e. cases in which prosecutors impose educational measures against minor defendants without bringing them to court.

(2023): Prosecutors may end the criminal cases against juveniles by imposing certain types of criminal sanctions - i.e. cases in which prosecutors impose educational measures against minor defendants without bringing them to court.

Question 041-2

Bosnia and Herzegovina

(General Comment): Public prosecutors deal exclusively with criminal cases. However, the law provides for a smaller scope of jurisdiction of public prosecutors in civil and bankruptcy proceedings. If there are reasonable grounds to use a remedy against an executive court decision or a decision taken in another proceeding, the chief federal prosecutor may request that the execution of such a decision be postponed or interrupted, if its adverse effects could result in unavoidable adverse consequences. A copy of the decision on the opening of the bankruptcy procedure shall be submitted to the competent prosecutor's office. The competent prosecutor's office shall also be informed in the event that the opening of the bankruptcy procedure does not occur due to the lack of property.

North Macedonia

(2024): In Article 49 from the Law on administrative disputes is prescribed that public prosecutor has right to submit the request for protection of legality.
In Article 6 of the Law on Public prosecution office is prescribed that in civil and other court proceedings, as well as in administrative proceedings, the public prosecutor undertakes legal actions for which he is authorized by law.

(2023): In Article 49 from the Law on administrative disputes is prescribed that public prosecutor has right to submit the request for protection of legality.
In Article 6 of the Law on Public prosecution office is prescribed that in civil and other court proceedings, as well as in administrative proceedings, the public prosecutor undertakes legal actions for which he is authorized by law.

Kosovo*

(2023): Public prosecutor has limited role in Civil cases, such as Family law (example: claims for annulling the marriage)

Question 041-3

Albania

(2024): 2. Incoming/received cases- Proocedings registered for the year 2024.

3.1.1 -In albanian legislation this figure refers to suspension of investigation Art. 326 of Criminal Procedure Code Suspension of the investigation

“1. In case the defendant is unknown, or when the defendant suffers from a serious illness which prevents further investigations, the prosecutor shall decide the suspension of investigations....”

3.1.2- In albania legislation the legal defition in this table, refers to non initiation of investigation by the prosecutor, Art. 290 of the Albanian CPC. “Criminal proceedings shall not commence when:

A the person has died;

B the person has no criminal responsibility or has not reached the criminal liability age;

C the complaint of the victim is lacking or he/she withdraws the complaint;

Ç the act is not provided by law as a criminal offence or when it is clearly proven that the act does not exist;

D the criminal offence has been extinct;

Dh an amnesty has been issued;

E in all other cases provided for by the law.”

Following the clarification provided by the General Prosecutor's Office of Albania, it is important to note that the data reported under 3.1.2 ("Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation") do not represent criminal proceedings that were initiated and later discontinued. According to Article 290 of the Albanian Criminal Procedure Code, the figures reported under 3.1.2 refer to criminal complaints or referrals for which a decision was made not to initiate proceedings, and that were therefore never registered as official cases.

Furthermore, these cases are not included under "incoming cases" in the questionnaire, as they do not enter the official procedural flow. This methodological difference explains the apparent inconsistency in the data, as these complaints are not aligned with the CEPEJ definition of "discontinued cases".

Bosnia and Herzegovina

(2024): Around 84% of pending cases on 31 December 2024 were cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. Additionally, around 16% of pending cases were cases against known minor and adult perpetrators. These cases are considered to be more important for the society and the criminal justice system compared to the other group of cases (cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act). The number of unresolved cases in prosecutor's offices at the end of 2023 is lower by about 18000 than the number of unresolved cases at the beginning of 2024. This inconsistency occurred because during 2024, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and some prosecutor's offices noticed in the Case Management System in prosecutor's offices that some prosecutors did not mark as completed cases that were resolved in previous years. Mostly these were cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. As a result, these cases were marked during the reporting year as resolved in the Case Management System in Prosecutor's Offices, which led to the aforementioned inconsistency in the data on the work of prosecutors' offices.

(2023): Around 88% of pending cases on 31 December 2023 were cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. Additionally, around 12% of pending cases were cases against known minor and adult perpetrators. These cases are considered to be more important for the society and the criminal justice system compared to the other group of cases (cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act).

Montenegro

(2024): Source: According to the data from Annual Work Report by Prosecutorial Council
3.3. indictments and plea bargains that go to court
3.2 includes opportunity
Note: since having only these categories filled, 3.1.4 has been calculated the rest of cases, ensuring vertical consistency
These figures refer to the number of perpetrators rather than the number of cases.

(2023): Some PPO offices in points 3.1 3.1.1, 3.1.2, 3.1.3 and 3.1.4 provided data on reported persons because they were not able to differentiate data as requested in the questionnaire. That is one of the reasons number do not sum up.

North Macedonia

(2024): Presented data are not on the category of cases but offenders.
This year we have available date for Penal warrant and indictment for children. Therefore we included this number in the category of resolved cases (Penal warrant-4345+ indictment 1188 + indictment application-4501+indictment for children-669=10703).
This year under the category „offender could not be identified“ we put NAP due to the fact that in our legal system these cases are ongoing and not discontinued. However, we count this cases under the category incoming cases/ 4546 as unknown offender.

(2023): Presented data are not on the category of cases but offenders.

Serbia
(2024): According to the Public Prosecution statistical reporting methodology, all data presented in this table refer to number of known adult suspects/defendants, and not to the number of cases.
Data presented in 3.2 "Concluded by a penalty or a measure imposed or negotiated by the public prosecutor" were excluded from the total of processed cases, since that data is already included in 3.3 "Cases brought to court" to avoid double counting.

(2023): According to the Public Prosecution statistical reporting methodology, all data presented in this table reffer to number of known adult suspects/defendants, not to overall number of cases.

Question 041-4

Albania
(2024): Article 406/d of the Criminal Procedure Code;
Content of the agreement
“From the registration of the name of the person to whom the criminal offence is attributed until the beginning of judicial review, the prosecutor, the defendant or his special representative may propose to reach an agreement on the conditions of admission of guilt and setting punishment.
2. In the negotiation for reaching an agreement, the presence of the defense lawyer of the defendant is mandatory. The conclusion of the agreement shall be allowed for criminal offences for which the law provides for a maximum punishment of not more than 7 years of imprisonment. This restriction shall not apply in the case of the justice collaborator…….”

Serbia

(2024): According to the Criminal Procedure Code, every plea agreement, wheather it`s concluded before or during the main trial, needs to be confirmed by the court and it is the only way to conclude the case by this procedure.
Information on number of guilty plea procedures reffer to number of suspects/defenfants who concluded plea agreements with the Public Prosecution which were confirmed by the court in 2023.
Please note that improsonment is foreseen as a sanction for every criminal act envisaged by the Criminal Code.
Depending on the gravity of criminal act, imprisonment is foreseen in defferent forms: as the only sanction, together with the money fine or alternatively to the money fine. For that reason, it is not possible to make a distinction between severe and misdemeanour/minor criminal case as described in the Explanatory note.

(2023): According to the Criminal Procedure Code, every plea agreement, wheather it`s concluded before or during the main trial, needs to be confirmed by the court and it is the only way to conclude the case by this procedure.
Information on number of guilty plea procedures reffer to number of suspects/defenfants who concluded plea agreements with the Public Prosecution which were confirmed by the court in 2023.
Please note that improsonment is foreseen as a sanction for every criminal act envisaged by the Criminal Code.
Depending on the gravity of criminal act, imprisonment is foreseen in defferent forms: as the only sanction, together with the money fine or alternatively to the money fine. For that reason, it is not possible to make a distinction between severe and misdemeanour/minor criminal case as described in the Explanatory note.

Question 041-5

Albania
(2024): It depends on the punishment. When there was no serious consequence from the crime, as the criminal law differentiates the punishment for these crime figures.

Bosnia and Herzegovina
(General Comment): Traffic offence cases are dealt with by the courts under the legislation on misdemeanor proceedings. In general, the misdemeanor offences are determined by the law and other regulations as violations of public order punishable by fines. The police, not the prosecution, initiate and present traffic offence cases in the courts.

Montenegro
(2024): Regarding to this question, 8 prosecutions answered Yes, 7 prosecution answerd No. 2 prosecutions did not give an answer.

(2023): When it comes to this, there are no exact data, some of the prosecution offices responded that traffic offences included, others that it is not included and also there were no responses. So general answer is no, but it we can not give exact estimation. According to the Law, of course there is a possibility for traffic offences, but for criminal cases not just misdemeanours or classic fines.

North Macedonia

(2024): There are included only this traffic offences that are defined as a criminal offences in the Criminal Code and not these traffic offences defined as misdemeanors.

(2023): There are included only this traffic offences that are defined as a criminal offences in the Criminal Code and not these traffic offences defined as misdemeanors.

Question 042

Albania

(General Comment): Yes, there are quality standards determined for the judicial system at national level approved by the Law "On the status of judges and prosecutors", as amended, (Article 71) who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.
Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and the quality of the analysis, and the logical reasoning of the prosecutor, etc.
HJC is the body responsible for determining the quality standards of the judiciary, including efficiency and quality. HJC is working on producing the sub-legal acts concerning standards, in cooperation with external partners. Furthermore, each Council publishes Standards of Ethics and Rules of Conduct. Hence, standards generally speaking standards are divided into performance related standards (quality and quantity of performance of magistrates) and behavioral related standards (ethics).

Bosnia and Herzegovina

(General Comment): In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

The heads of higher courts and prosecutors' offices evaluate yearly lower instance court presidents and chief prosecutors based on the statistical data and the indicators related to the management of the work of the court and the prosecutor's office.

Furthermore, there is a normative framework that consists of the various law provisions, regulations, and guidelines. The framework outlines systematic processes in the entire judicial system of Bosnia and Herzegovina as well as in the prosecutors' offices and courts, which have a purpose to help the judicial institutions achieve the best possible results in terms of production and quality. The processes include meetings of departments (uniform application of the law, analysis of relevant case law, caseload, length of proceedings, backlog reduction plan etc.), quota system, adoption of yearly work plan, reporting on the yearly work plan implementation, preparation of yearly training programme by the judicial training institutions etc.

(2020): In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.
According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.
The heads of higher courts and prosecutors' offices evaluate yearly lower instance court presidents and chief prosecutors based on the statistical data and the indicators related to the management of the work of the court and the prosecutor's office.
Furthermore, there is a normative framework that consists of the various law provisions, regulations, and guidelines. The framework outlines systematic processes in the entire judicial system of Bosnia and Herzegovina as well as in the prosecutors' offices and courts, which have a purpose to help the judicial institutions achieve the best possible results in terms of production and quality. The processes include meetings of departments (uniform application of the law, analysis of relevant case law, caseload, length of proceedings, backlog reduction plan etc.), quota system, adoption of yearly work plan, reporting on the yearly work plan implementation, preparation of yearly training programme by the judicial training institutions etc.

(2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina,which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

Montenegro

(General Comment): Rules for the evaluation of judges and presidents of courts, article 11 "A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half (0.5% of a case). If only a decision on costs was revoked, such case shall not be included in the revoked decisions."

(2024): Rules for the evaluation of judges and presidents of courts, article 11 https://sudovi.me/sdsv/sadrzaj/4MWL
"A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half (0.5% of a case). If only a decision on costs was revoked, such case shall not be included in the revoked decisions."

North Macedonia

(General Comment): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - Methodology for evaluation of the judgment's work on the basis of compliance of qualitative criteria for judicial work (adopted by the Judicial Council at the end of 2020). Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Also, the Matrix of monitoring indicators for the justice sector performance provides quality indicators. Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts. Qualitative criteria regarding the judicial work Article 80 (Law on Judicial Council) - The qualitative criteria for assessing the work of the judge are: - the quality of running the court procedure in which it is assessed: the ability to argumentation, readiness to conduct the hearing, compilation of minutes and hearing of parties, readiness to make procedural decisions, as well as the ability to resolve conflicts. - quality of prompt handling of court cases in relation to: respecting the legal deadlines for undertaking procedural actions in the procedure, respecting the legal deadlines for adopting, publishing and drafting the decisions, the duration of the court procedure; and - quality of the judge's work in the part of the number of reversed decisions due to a serious violation of the procedure in relation to the total number of resolved cases.
According to Article 37 of the Law on Public Prosecution, the criteria for evaluating the work of public prosecutors are:
- expertise and quality in decisions, legal remedies and other documents,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the position,
- cooperation and the relationship with the parties and other persons in the prosecution,
- ability and willingness for professional development and acquisition of new knowledge,
- organizational skills
With immediate insight into the work of the public prosecutors in question, it is determined:
- the number of received criminal charges, cases and submissions,
- the number of resolved criminal charges and cases within the deadline provided by law,
- the number of pending criminal charges and cases and the reasons for their non-resolution,
- the quality of the actions of the public prosecutor, public prosecutor's decisions,
adherence to legal formulations, ability to express in writing clearly and
precise reasoning of decisions. (Article 47 of the Law on Public Prosecution)

(2024): https://cpia.mk/mk/%d1%84%d1%83%d0%bd%d0%ba%d1%86%d0%b8%d0%be%d0%bd%d0%b0%d0%bb%d0%bd%d0%b0-%d0%b0%d0%bd%d0%b0%d0%bb%d0%b8%d0%b7%d0%b0-%d0%bd%d0%b0-%d0%be%d1%81%d0%bd%d0%be%d0%b2%d0%bd%d0%b8%d1%82%d0%b5-%d1%81%d1%83/

(2023): https://cpia.mk/mk/%d1%84%d1%83%d0%bd%d0%ba%d1%86%d0%b8%d0%be%d0%bd%d0%b0%d0%bb%d0%bd%d0%b0-%d0%b0%d0%bd%d0%b0%d0%bb%d0%b8%d0%b7%d0%b0-%d0%bd%d0%b0-%d0%be%d1%81%d0%bd%d0%be%d0%b2%d0%bd%d0%b8%d1%82%d0%b5-%d1%81%d1%83/

(2021): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - Methodology for evaluation of the judgment's work on the basis of compliance of qualitative criteria for judicial work (adopted by the Judicial Council at the end of 2020). Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Also, the Matrix of monitoring indicators for the justice sector performance provides quality indicators.

Serbia

(General Comment): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.

The criteria for evaluating judges' performance are quality and quantity. The quality of work shows the ability and knowledge of the judge in the application of substantive and procedural law, while the quantity of work shows the efficiency in solving cases.

The benchmarks for evaluating the quality of work of judges are the percentage of decisions revoked and the time necessary to bring decisions. Quality evaluation is done by establishing for each benchmark an individual grade, and on the basis of established individual grades, the evaluation of the quality of work of judges is determined. Individual marks for the quality of work benchmarks are: "extremely successful", "successful" and "not satisfactory".

The criterion for evaluating the quantity of judges' work is a monthly standard, and for judges who do not have a sufficient number of cases in the work, the number of cases solved from the total number of cases in the work.

The benchmark of the judges' work is evaluated by the individual grade "extremely successful", "successful" and "not satisfactory". The judgments related to the evaluation of the judge's work are "extremely successful in performing the judicial function", "successfully performing the judicial function" and "not satisfactory".

Rulebook on criteria and standards for assessing the expertise, competence and worthiness of candidates in the process of proposing and selecting holders of public prosecutor's office: 43/2015-31, 80/2016-81 (other rulebook)

(2024): Basis: Rulebook on criteria, standards and procedure for evaluating the work of judges and presidents
of courts – HJC.
The purpose of evaluating the work of judges is to improve the efficiency of the judicial system, to preserve and improve the expertise, competence and responsibility of judicial office holders, to encourage them to achieve the best work results, and to increase public confidence in the work of judges and courts.
The Rulebook establishes that the evaluation of the work of judges and presidents of courts is expressed by a grade. The work of judges with permanent function and presidents of courts is regularly evaluated once every three years, and judges who have been elected for the first time once a year. Exceptionally, based on the decision of the Supreme Court, the work of judges and court presidents can be evaluated in an extraordinary manner.
The criteria for evaluating the judges' work are quality and quantity. The quality of the work shows the ability and knowledge of the judge to apply substantive and procedural law, while the quantity of work shows the efficiency in resolving cases.
The criteria for evaluating the quality of judges' work are the percentage of annulled rulings and the time it takes to make decisions. The evaluation of quality is carried out by determining an individual grade for each criteria and based on the established individual grades, the evaluation grade of the work of the judges is determined. The individual grades for the work quality criteria are: "extremely successful", "successful" and "not satisfactory".
The criteria for evaluating the quantity of judges' work is the monthly norm, and for judges who do not have a sufficient number of cases in their work, it is the number of cases resolved out of the total number of cases in their work.
Rulebook on criteria and standards for assessing the expertise, competence and worthiness of candidates in the process of proposing and selecting holders of public prosecutor's office: 43/2015-31, 80/2016-81 (other rulebook)

(2023): Basis: Rulebook on criteria, standards and procedure for evaluating the work of judges and presidents of courts – HJC.
The purpose of evaluating the work of judges is to improve the efficiency of the judicial system, to preserve and improve the expertise, competence and responsibility of judicial office holders, to encourage them to achieve the best work results, and to increase public confidence in the work of judges and courts.
The Rulebook establishes that the evaluation of the work of judges and presidents of courts is expressed by a grade. The work of judges with permanent function and presidents of courts is regularly evaluated once every three years, and judges who have been elected for the first time once a year. Exceptionally, based on the decision of the Supreme Court, the work of judges and court presidents can be evaluated in an extraordinary manner.
The criteria for evaluating the judges' work are quality and quantity. The quality of the work shows the ability and knowledge of the judge to apply substantive and procedural law, while the quantity of work shows the efficiency in resolving cases.
The criteria for evaluating the quality of judges' work are the percentage of annulled rulings and the time it takes to make decisions. The evaluation of quality is carried out by determining an individual grade for each criteria and based on the established individual grades, the evaluation grade of the work of the judges is determined. The individual grades for the work quality criteria are: "extremely successful", "successful" and "not satisfactory".
The criteria for evaluating the quantity of judges' work is the monthly norm, and for judges who do not have a sufficient number of cases in their work, it is the number of cases resolved out of the total number of cases in their work.
Rulebook on criteria and standards for assessing the expertise, competence and worthiness of candidates in the process of proposing and selecting holders of public prosecutor's office: 43/2015-31, 80/2016-81 (other rulebook)

Kosovo*

(2024): Kosovo has the Kosovo Judicial Council and Kosovo Prosecutorial Council, each competent for drafting their own regulations and strategic plans. Those strategic plans and policies are drafted pursuant with international reports for improving quality of justice in Kosovo. Additionally, Ministry of Justice has drafted the Rule of Law Strategy, in cooperation with KJC and KPC, which contains five main objectives: (1) Efficient, professional and integrity judiciary and prosecution; (2) Strengthening the Criminal Justice system; (3) Strengthening the Civil and Administrative Justice system; (4) Digitization of justice; and (5) Access to justice.

Question 043

Albania

(General Comment): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a magistrate as Ethics Advisor under the provisions of the Law "On the Governance Institutions of the Justice System".

Bosnia and Herzegovina

(General Comment): Court presidents and chief prosecutors have a responsibility to evaluate the performance of the judicial office holders. They also oversee the implementation of the normative framework outlining the systematic processes in the courts and the prosecutors' offices. Heads of departments support the chief prosecutors and the court presidents in overseeing the processes designed to improve continually the quality and efficiency of the prosecutors' offices and courts.

(2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

North Macedonia

(2021): The Judicial council has a role according to the laws and new adopted bylaws that allow easier implementation of these standards.
The Rule-book for determining the fulfillment of the qualitative criteria for evaluation of judges prepared in accordance with Article 81 of the Law on Judicial Court was adopted on 21.12.2020 by the Judicial Council of North Macedonia. On 20.05.2021 the Supreme Court of North Macedonia at the general session of judges adopted a positive opinion regarding the proposed Methodology with indicators of the complexity of cases prepared in accordance with Article 85 paragraph 1 of the Law on the Judicial Council.
Additionally, with project “Supporting the Judicial Council in establishing Quality System for Evaluation of Judges”, financially supported by the Embassy of the Kingdom of the Netherlands, implemented by "The Center for Legal Research and Analysis(CLRA)" and Judicial Council were developed forms for determining the fulfillment of the qualitative criteria for the work of judges and guidelines for calculating the coefficients of complexity of court cases that are intended to support the Judicial Council in the proper implementation of bylaws.
- The new Law on the prosecution offices and amendments of the Law on the Public Prosecution Council from 2020 as well as new by-laws adopted in 2021 by the Public prosecutor of the Republic of North Macedonia and Public Prosecution Council allow better implementation of the standards.

Kosovo*
(2024): There are responsible employees that are responsible to gather data, and monitor the implementation of the strategic plans, whether the responsible institution has fulfilled the actions deriving from such plans. For example in the Ministry of Justice serves as a Secretariat for the Rule of Law Strategy and continuously monitors the implementation of this Strategy, reviews and updates its action plan etc, whereas in the Kosovo Prosecutorial Council, working groups are formed to monitor the implementation of the strategic plans regarding the efficiency of the prosecutorial system.

Question 048

Albania
(General Comment): NA

(2021): The court performance is assessed as part of the annual report but because there is no officially approved indicators
yet, the court performance can not be evaluated.

Bosnia and Herzegovina

(General Comment): In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of court presidents in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota of the court, and the organization and management of the work of the court (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Montenegro

(General Comment): There is no automatic evaluation of court performance. We regularly get reports from the court information system and provide them to the decision-makers.

Serbia

(General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports.

Kosovo*

(General Comment): NA

(2023): NA

(2022): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These report are published online in the web page of the KJC.

(2020): Until this year, the evaluation of court performance has been done by using the performance of Judges as a reference. So, the performance of a court has been mainly attributed to the performance of the Judges in that particular court. Starting from this year, Kosovo Judicial Council has developed a dashboard in the Case Management Information System(CMIS), with specific indicators, in order to measure court performance. Unfortunately, we still do not have any data regarding the performance or the indicators used, since the CMIS is still not fully functional. However, after the discussion with KJC and CoE project in Kosovo which is supporting this activity, this CMIS feature concerning court performance will soon be tested, and from the next year, it will be used to generate dashboards and reports on court performance.

Question 049

Albania

(2022): The HJC has in place 2 different statistical reports: a yearly report based on CEPEJ methodology as well as a quarterly report. Both are analyzed by the statistic sector of the HJC. The decisions regarding human resources distribution, judges' appointments and transfers are based on these data.

Montenegro

(General Comment): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if needed.

Serbia

(2024): Six month and annual report

(2023): Six month and annual report

(2022): Six month and Annual report

(2021): According to the Court Rules of Procedure(Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19, 93/19 and 18/22), courts semi-annually and annually prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports.

Kosovo*
(General Comment): NA

(2024): KJC on quarterly bases prepares statistical reports with the data in Q058, in some cases as per the needs for specific category of cases KJC prepares reports on monthly basis. Example reports for cases of special nature such as; domestic violence cases, human trafficking, organized crime etc. Additionally, the Commission for the evaluation of Judges, which is supported by the Unit for Judicial Inspection.

(2023): NA

Question 050

Serbia
(General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports.
The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports.

Kosovo*
(General Comment): NA

Question 051

Albania

(2024): In the framework of the reallocation of human resources in the judicial system, based on performance in order to improve efficiency, for the year 2025 it results that 3 judges have been transferred according to parallel movement procedures.
These procedures were carried out in implementation of the decisions of the High Judicial Council as follows: Decision no. 51, dated 05.02.2025; no. 54, dated 05.02.2025 and no. 56 dated 05.02.2025. Parallel movements of civil judicial employees have also been carried out, in order to improve efficiency in the courts.
Regarding the reallocation of financial resources, please refer to the decision-making of the High Judicial Council, pursuant to which the reallocation was made, and specifically: Decision no. 330, dated 03.07.2024; no. 397, dated 30.07.2024; no. 538, dated 25.09.2024 and no. 619, dated 16.10.2024, of the Council.

Serbia
(General Comment): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).

Kosovo*
(General Comment): NA

Question 052

Bosnia and Herzegovina

(General Comment): In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior chief prosecutor appraise annually the work of the lower instance chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of chief prosecutors in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota and collective quality of decisions of the prosecutor's office, and the organization and management of the work of the prosecutor's office (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Montenegro

(General Comment): Average measure of prosecutor activity (As prescribed by the Rules for the evaluation of state prosecutors and heads of state prosecutor's offices): Article 7 The Prosecutorial Council determines the average measures of the quantity of work in a certain type of case for the following categories: - for basic state prosecutor's offices up to 5 state prosecutors, - for basic state prosecutor's offices from 5 to 10 state prosecutors, - for basic state prosecutor's offices over ten state prosecutors, - for higher state prosecutor's offices. The average measure of the quantity of work is determined at the level of one category of state prosecutor's offices by adding and dividing the number of completed cases by types Kt, Ktm, KT I, Ktr with the number of state prosecutors who performed prosecutorial function in all state cases. prosecutors' offices of one category of state prosecutor's offices in the last three years. (eg ODT Kolašin, Cetinje, Plav, Rožaje, Ulcinj are in the neighboring category of state prosecutor's offices up to 5 state prosecutors, in the last three years a total of 20 state prosecutors worked, and completed a total of 400 Kt cases, 20 Ktm, 20 Kt I and 200 Ktr, the average scale for KT is 400/20 = 20, for Ktm 20/20 = 1, for Kt I 20/20 = 1, for Ktr 200/20 = 10) A case is considered completed if it resulted with a decision on rejection of a criminal report, a case in which a reconnaissance or investigation was conducted after which it was submitted to the competent prosecutor's office, suspension of investigation, confirmed indictment or indictment filed, decision on sentencing plea agreement, rejected criminal charges in case of postponement of criminal prosecution, as well as Ktr case that has been archived. The number of cases is determined by the number of persons. The Prosecutorial Council also determines the average measure of the quantity of work in a certain type of case for the Special State Prosecutor's Office by adding and dividing the number of completed cases by types of Kt-s, Ktm-s, KT I-s, Ktr-s and the number of special prosecutors in that period. performed the prosecutorial function in the above types of cases in the last three years. Article 8 The quantity of work is assessed on the basis of the report on the work of the state prosecutor and the average measures of the quantity of work in a certain type of case. According to this sub-criterion, the state prosecutor is assessed: - if he has completed up to 20% below the average criteria satisfies; - if he has completed over 20% of the subjects below the average criteria, he does not satisfy. If the state prosecutor worked in different types of cases, the quantity of work is assessed for all types of cases as indicators for assessing the quantity of work, and if the state prosecutor had fewer cases in the work of a certain type than the average measure for that type of case, then satisfies the grade if he has completed 80% of the total number of cases in the work of that type of subject, and if it is less than 80%, he does not satisfy the grade according to that indicator. If the state prosecutor did not have a certain type of case in his work, he will not be evaluated in that type of case. Article 9 The quality of work is assessed on the basis of confirmed indictments, convictions and appeals. A state prosecutor who has 80% or more confirmed indictments in relation to the total number of indictments in which a decision was made in the same period satisfies, and a state prosecutor who has less than 20% confirmed indictments in relation to the total number of indictments does not satisfy. The state prosecutor who has 70% or more convictions in relation to the total number of convictions passed in the same period satisfies, and the state prosecutor who had less than 30% of convictions in relation to the total number of convictions in the same period, does not satisfy. The state prosecutor who has 30% or more of accepted appeals in relation to the total number of appeals filed against acquittals and convictions which were revoked on those appeals of the state prosecutor in the same period satisfies, and the state prosecutor who has less than 30% of accepted appeals in relation to the total number of appeals against acquittals and convictions that were revoked on those appeals of the state prosecutor in the same period is not satisfactory.

Kosovo*

(2021): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

(2020): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

Question 053

Albania

(General Comment): NA

(2024): During the elaboration of processes related to the career of prosecutors (transfers, etc.), the High Prosecutorial Council provides periodic or as needed information from the Prosecutor General Office or prosecutorial offices regarding the implementation of the indicators monitored under Question 59. During this process, in addition to these indicators, special care is given also to sensitive criminal cases under investigation or maintaining the performance and functionality of the prosecutorial office from which the prosecutor is transferred.
Also, according to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, as amended, the head of the prosecution offices prepares an annual report within the month of February of each year, on the progress of work in the relevant prosecution during the previous year and report it to the General Prosecutor. The report is published in the web page of General Prosecutor office.

Montenegro

(General Comment): Annual. through the Annual report of the work of Prosecutorial Council and State Prosecution Service

Serbia

(General Comment): The Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016,), provides that the purpose of evaluation of judges and court presidents’ performance is to enhance efficiency of the judicial system, preserve and improve expertise, capacities and accountability of judges and court presidents, encourage judges and court presidents to achieve best possible work performance, maintain,strengthen public trust in the work of judges and courts, and career advancement.

Kosovo*

(General Comment): NA

Question 055

Albania

(2024): When carrying out procedures related to the career of prosecutors, e.g., in the case of the transfer with consent of prosecutors from one office to another, the Council relies in particular on statistical information related to the workload (criminal cases) in both prosecutorial offices, the office where the prosecutor is currently working and the office where the prosecutor wishes to be transferred. Taking into account the maintenance of work performance in the prosecutorial offices, the Council decides on the transfer of prosecutors from the prosecutorial office with a lower workload to the prosecutorial offices with a higher workload, within the approved number of prosecutors in the organizational structure of that office (without additional financial effects).

Montenegro

(2022): In accordance to the Law on State Prosecution Service, if the state prosecutor who was given the grade excellent is not promoted to a hierarchically higher state prosecutor's office within a year from getting the grade excellent, he/she shall be entitled to the salary in the same category as the salary of the head of the state prosecutor's office on the level where he/she discharges his duties.

Kosovo*

(General Comment): NA

Question 056

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents.

(2024): Hierarchical superior court president

(2020): Other: Hierarchical superior court president.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law.The superior hierarchical court president appraise regularly the work of the lower instance court presidents.

Serbia

(General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council.

(2024): In case of multiple replies, please specify the role of each institution involved: The competences of the four relevant institutions are regulated by the Law on organization of Courts ("Official Gazette RS", No.10/23) and the Court Rules of Procedure ("Official Gazette RS", No. 110/2009, 70/2011, 19/2012, 89/2013, 96/2015, 104/2015, 113/2015 - corrected., 39/2016, 56/2016, 77/2016, 16/2018, 78/2018, 43/2019, 93/2019 i 18/2022). Courts file their reports to all four institutions. The Supreme Court reviews the application of law and other regulations, and the work of courts. The judicial administration tasks are carried out by the High Judicial Council and the Ministry responsible for the judiciary. The judicial administration tasks carried out by the Ministry responsible for the judiciary are: monitoring the work of courts; collecting statistics and other data; approval of court rules on internal organization and job classification; supervision of proceeding in cases within statutory time limits and acting on complaints and petitions; the proposing of the part of the budget intended for investments, projects and other programmes for operation of judicial authorities; ensuring spatial requirements, equipment supply and security of courts; oversight of financial and material operations of courts and the High Judicial Council; organisation and development of the judicial IT system; organisation, development and maintenance of the database of legal enactments; development and implementation of capital projects and other programmes for judicial authorities; appointment and dismissal of expert witnesses and court interpreters. The judicial administration-related duties performed by the High Judicial Council are: determination of general guidelines on the internal court organisation; maintaining personal records of judges, lay judges and court staff, the proposing of the part of the budget intended for operation of courts relating to running costs, and allocation of these funds; control of authorised spending of budgetary funds and oversight of financial and material operations of courts. The Ministry responsible for the judiciary exercises supervision over the implementation of the Court Rules of Procedure. According to the Court Rules of Procedure (article 9v), higher court evaluates the performance of the lower court.

(2023): The competences of the four relevant institutions are regulated by the Law on organization of Courts ("Official Gazette RS", No.10/23) and the Court Rules of Procedure ("Official Gazette RS", No. 110/09, 18/22). Courts file their reports to all four institutions. The Supreme Court reviews the application of law and other regulations, and the work of courts. The judicial administration tasks are carried out by the High Judicial Council and the Ministry responsible for the judiciary. The judicial administration tasks carried out by the Ministry responsible for the judiciary are: monitoring the work of courts; collecting statistics and other data; approval of court rules on internal organisation and job classification; supervision of proceeding in cases within statutory time limits and acting on complaints and petitions; the proposing of the part of the budget intended for investments, projects and other programmes for operation of judicial authorities; ensuring spatial requirements, equipment supply and security of courts; oversight of financial and material operations of courts and the High Judicial Council; organisation and development of the judicial IT system; organisation, development and maintenance of the database of legal enactments; development and implementation of capital projects and other programmes for judicial authorities; appointment and dismissal of expert witnesses and court interpreters. The judicial administration-related duties performed by the High Judicial Council are: determination of general guidelines on the internal court organisation; maintaining personal records of judges, lay judges and court staff, the proposing of the part of the budget intended for operation of courts relating to running costs, and allocation of these funds; control of authorised spending of budgetary funds and oversight of financial and material operations of courts. The Ministry responsible for the judiciary exercises supervision over the implementation of the Court Rules of Procedure.
According to the Court Rules of Procedure (article 9v), higher court evaluates the performance of the lower court.

Kosovo*
(2024): Based on Articles 1 and 2 of Regulation 11/2016 on the Evaluation of Judges' Performance, this regulation applies to all judges of the courts of Kosovo, except for lay judges and court presidents, whose evaluation will be regulated by a separate regulation.
The Evaluation Commission refers to the commission responsible for evaluating judges' performance, consisting of 13 members selected by the members of the KJC.

(2022): Based on Article 1 and 2 of Regulation 11/2016 on the evaluation of Judges' Performance. This regulation applies to all judges of the courts of Kosovo, except for jury judges and presidents of courts whose assessment will be regulated by a separate regulation. Evaluation Committee means the Committee responsible for evaluating the performance of judges, consisting of 13 members selected by the members of the KJC.

Question 057

Albania
(2024): According to the Law "On the status of judges and prosecutors", as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council

(2021): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior chief prosecutor appraise annually the work of the lower instance chief prosecutors.

(2021): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina serves as the public prosecutorial council.

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior public prosecutor.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior hierarchical chief prosecutor appraise regularly the work of the lower instance chief prosecutors.

Serbia

(General Comment): RULEBOOK ON ADMINISTRATION IN PUBLIC PROSECUTIONS, Article 27
The Public Prosecutor's Office is obliged to prepare a report on the work of the Public Prosecutor's Office for the previous year by February 1 of the current year and submit it directly to the higher Public Prosecutor's Office.
The Republic Public Prosecutor determines the data to be entered in the report on the work of the Public Prosecutor's Office.
The report of the immediately higher public prosecutor's office also contains the reports of lower public prosecutor's offices.
Work reports are discussed at the Collegium, i.e. in the departments of the prosecution, before being submitted directly to the higher public prosecutor's office.

(2024): In case of multiple replies, please specify the role of each institution involved: Jobs of the judicial administration in the public prosecutor's office
Article 42
The judicial administration is responsible for ensuring the execution of laws and other regulations related to the organization and work of the public prosecutor's office.
The work of the judicial administration is carried out by the High Council of Prosecutions and the ministry responsible for justice. The tasks of the judicial administration performed by the High Council of the Prosecution are: supervision over the implementation of the act on administration in the public prosecution, determination of general guidelines for the internal regulation of the public prosecution; issuing an instruction on compiling a report on the work of the public prosecutor's office; monitoring the work of the public prosecutor's office; statistical and analytical processing of data on the work of the Public Prosecutor's Office in order to increase the quality and efficiency of the work of the Public Prosecutor's Office; adoption of by-laws from its jurisdiction; giving an opinion on the rulebook on the internal organization and systematization of jobs in the public prosecutor's office; taking care of truthful, timely and complete information to the public about the work of the public prosecutor's office; maintaining the personal file of the holder of the office of public prosecutor and other tasks determined by law.
The tasks of judicial administration performed by the ministry responsible for justice are: supervision of the implementation of the act on administration in the public prosecutor's office; statistical and analytical processing of data on the work of the public prosecutor's office in order to monitor the application of regulations in the areas regulated by the ministry, that is, the development of regulations, strategic, planning and program acts; giving consent to the rulebook on the internal organization and systematization of workplaces in the public prosecutor's office; arrangement, development and maintenance of the judicial information system; taking care of accommodation conditions, equipment and security of the public prosecutor's office; development and implementation of capital projects and other programs for judicial authorities and other tasks determined by law.
When performing the tasks of judicial administration from paragraph 4 of this article, the ministry responsible for justice does not encroach on the independence of the holder of the public prosecutor's office and the public prosecutor's office, nor on the performance of administrative tasks in the public prosecutor's office under the competence of the chief public prosecutor.

(2023): Jobs of the judicial administration in the public prosecutor's office
Article 42
The judicial administration is responsible for ensuring the execution of laws and other regulations related to the organization and work of the public prosecutor's office.
The work of the judicial administration is carried out by the High Council of Prosecutions and the ministry responsible for justice.
The tasks of the judicial administration performed by the High Council of the Prosecution are: supervision over the implementation of the act on administration in the public prosecution, determination of general guidelines for the internal regulation of the public prosecution; issuing an instruction on compiling a report on the work of the public prosecutor's office; monitoring the work of the public prosecutor's office; statistical and analytical processing of data on the work of the Public Prosecutor's Office in order to increase the quality and efficiency of the work of the Public Prosecutor's Office; adoption of by-laws from its jurisdiction; giving an opinion on the rulebook on the internal organization and systematization of jobs in the public prosecutor's office; taking care of truthful, timely and complete information to the public about the work of the public prosecutor's office; maintaining the personal file of the holder of the office of public prosecutor and other tasks determined by law.
The tasks of judicial administration performed by the ministry responsible for justice are: supervision of the implementation of the act on administration in the public prosecutor's office; statistical and analytical processing of data on the work of the public prosecutor's office in order to monitor the application of regulations in the areas regulated by the ministry, that is, the development of regulations, strategic, planning and program acts; giving consent to the rulebook on the internal organization and systematization of workplaces in the public prosecutor's office; arrangement, development and maintenance of the judicial information system; taking care of accommodation conditions, equipment and security of the public prosecutor's office; development and implementation of capital projects and other programs for judicial authorities and other tasks determined by law.
When performing the tasks of judicial administration from paragraph 4 of this article, the ministry responsible for justice does not encroach on the independence of the holder of the public prosecutor's office and the public prosecutor's office, nor on the performance of administrative tasks in the public prosecutor's office under the competence of the chief public prosecutor.

Question 058

Albania
(General Comment): NA

(2022): We can deduct the number of appeals and appeal ratio by the data that we gather but it is not an indicator directly reported by courts. Furthermore, it is not analyzed as part of a court functional indicator, it is used during the personal assessment of a judge. Regarding the "satisfaction of users", an online survey is being piloted in the First instance court of Tirana.

(2020): Based on this provision and based on the annual plan of Inspections, the High Inspector of Justice has approved the following decisions:
- Decision no. 1 dated 11.02.2020, "On conducting the thematic inspection of courts and prosecutor's offices near them on the treatment of requests subject to" Conditional Release ";
- Decision no. 1/1 dated 20.02.2020 “On the addition of the thematic inspection object determined by decision no. 1 dated 11.02.2020 of the High Inspector of Justice”.

Bosnia and Herzegovina

(General Comment): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2019): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

North Macedonia

(General Comment): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.
Other:1. Percentage of annulled decisions in relation to the total number of resolved cases(article 84 p.3-Law on Judicial Council) 2.Valuation according to the number of altered decisions made in relation to the total number of resolved cases(Article 87) Law on Judicial Council
Scoring of Qualitative Criteria Article 84
(3) The quality of the judge's work in the part of the number of reversed decisions due to significant violations of the procedure in relation to the total number of resolved cases in the period in which it is assessed shall be scored according to the following table:
Percentage of annulled decisions in relation to the total number of resolved cases Points
Up to 5% 25
From 5% to 10% 20
From 10% to 15% 15
From 15% to 20% 10
More than 20% 0
Valuation according to the number of altered decisions made in relation to the total number of resolved cases
Article 87
The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table:
Percentage of altered decisions in relation to the total number of resolved cases Points
Up to 5% 20
From 5% to 10% 15
From 10% to 15% 10

(2021): Law on Judicial Council
Scoring of Qualitative Criteria Article 84
(3) The quality of the judge's work in the part of the number of reversed decisions due to significant violations of the procedure in relation to the total number of resolved cases in the period in which it is assessed shall be scored according to the following table:
Percentage of annulled decisions in relation to the total number of resolved cases Points
Up to 5% 25
From 5% to 10% 20
From 10% to 15% 15
From 15% to 20% 10
More than 20% 0
Valuation according to the number of altered decisions made in relation to the total number of resolved cases
Article 87
The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table:
Percentage of altered decisions in relation to the total number of resolved cases Points
Up to 5% 20
From 5% to 10% 15
From 10% to 15% 10
From 15% to 20% 7
From 20%to 30% 4
More than 30% 0
Valuation according to the number of altered decisions made in relation to the total number of resolved cases
Article 87

Serbia

(General Comment): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.
The monitoring mechanism is set by the annual report of Supreme Court and the mechanism has not been changed in previous few years. One of the activities that are being monitored is the length of procedure. The annual report for 2023 is not yet published

Kosovo*
(2022): With the usage of the electronic system CMIS, it became also possible to generate and regularly monitor court activities based on the marked indicators.

(2021): The Judicial Performance Commission has competencies based on the following criteria: Personal integrity and general professional skills; Legal and technical skills; Professional engagement; Rate of realization of the norm; etc.

Question 059

Albania
(General Comment): NA

(2023): NA

(2021): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the
assessment of performance of the prosecutor.
High Inspector of Justice is the responsible body, which inspects citizens complains, for: procrastination of the process by the persecutors, unethical acts by prosecutors..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan

Bosnia and Herzegovina

(General Comment): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2019): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Kosovo*
(General Comment): NA

Question 060

Bosnia and Herzegovina
(General Comment): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

(2019): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

Montenegro
(General Comment): Every court president can monitor the backlog through the reports made for it in the court information system. Also, the Supreme court monitors the number of those cases and conducts a number of activities to prioritize old cases in courts.

North Macedonia

(General Comment): Judicial Council on regular bases monitor backlog of cases.

Serbia

(General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports. The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time.

Question 061

Bosnia and Herzegovina

(General Comment): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

(2019): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

North Macedonia

(General Comment): According to the Law on courts and Court Rules of procedure the court president monitors the waiting time through the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure). For example in Law on civil procedure are prescribed deadlines for the labour disputes. Here is also the basic principle of a trial within a reasonable time. About the Public Prosecutor’s, please see article 28 from the Law on Public Prosecutor’s office: “Article 28 (1) The supervision of the lawful and timely execution of the public prosecutorial function of the lower public prosecutor’s offices shall be performed by the higher public prosecutor’s office. (2) The supervision of the lawful and timely execution of the public prosecutorial function of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be performed by the Public Prosecutor's Office of the Republic of North Macedonia. (3) The supervision of the administrative work of the public prosecutor's office shall be performed by the Chief Public Prosecutor of the Republic of North Macedonia. (4) The manner of supervision shall be determined by the rulebooks adopted by the Council of Public Prosecutors of the Republic of North Macedonia. (5) The regulations on the internal operation of the public prosecutor's offices shall be adopted by the Chief Public Prosecutor of the Republic of North Macedonia.

Serbia

(General Comment): THE LAW
ON THE PROTECTION OF THE RIGHT TO A TRIAL WITHIN A REASONABLE TIME
("Official Gazette of RS", no. 40/2015 and 92/2023) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal proceedings.
The duration of judicial proceedings is monitored and it is reflected in the court reports. Also, there are mechanisms for acceleration of the proceedings.

(2024): In accordance with Court Rules of Procedure (Article 44a) courts keep records of the length of the proceedings. Records in the first instance proceedings are kept for cases that last over two years from the date of admission to the court. Records regarding length of second instance proceedings after submission of legal remedies, are kept for cases that last more than a year from the date of admission to the court.
Courts keep special records of cases by the date of submission of the initial act to the court - for cases lasting over three years, over five years and over ten years.
If the main trail hearing is not scheduled in due time after the confirmation of the indictment by the court or waiting time for scheduling next hearing is too long, the practise is that public prosecutor urges competent court to schedule it

(2023): In accordance with Court Rules of Procedure (Article 44a) courts keep records of the length of the proceedings. Records in the first instance proceedings are kept for cases that last over two years from the date of admission to the court. Records regarding length of second instance proceedings after submission of legal remedies, are kept for cases that last more than a year from the date of admission to the court.
Courts keep special records of cases by the date of submission of the initial act to the court - for cases lasting over three years, over five years and over ten years.

Kosovo*

(General Comment): Based on Article 2 of Regulation No. 04/2020, On the Authority, Organization and Functioning of the Judicial Inspection Unit, conduct studies to assess the efficiency of judicial procedures, assess the internal functioning of individual courts in a regular manner to identify weaknesses in the work of the court.
Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures

(2024): Kosovo Prosecutorial Council comment: Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures.
Kosovo Judicial Council comment: This is carried out through the Judicial Inspection Unit, where, based on Article 4, paragraph 1, of Regulation No. 14/2022 on the Organization and Functioning of the Judicial Inspection Unit, it is stipulated that the unit assists the Council and the relevant committees of the Council in inspecting and evaluating the work of the courts and other activities within the judiciary, aiming to enhance effectiveness and professionalism within the judicial system.
Additionally, this is also achieved through the Commission for Monitoring, Evaluating, and Reporting on the Strategic Plan for Improving Access to Justice 2022–2025, as well as the Strategic Plan for the Efficiency of Handling Corruption, Abuse of Official Duty, and Organized Crime Cases 2025–2027, composed of five judges from the Supreme Court of Kosovo.

(2022): Based on Article 2 of Regulation No. 04/2020, On the Authority, Organization and Functioning of the Judicial Inspection Unit, conduct studies to assess the efficiency of judicial procedures, assess the internal functioning of individual courts in a regular manner to identify weaknesses in the work of the courts.
Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures.

Question 061-1

Albania
(2022): the answer is N/A

Bosnia and Herzegovina
(General Comment): Agreement on general arrangements: the regulation governing the organization of courts and prosecutors' offices
provides for provisions on certain general arrangements between the main actors of the proceedings to ensure that cases are dealt with efficiently, such as the regulation requiring the court presidents and the chief prosecutors to establish an on-call service for urgent criminal cases.
Agreement in specific cases: the court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties.
When deferring or postponing the main hearing in civil proceedings, the court will determine the date of the new hearing, as a rule, with prior consultations with the parties. During the preparation for the main trial in criminal proceedings, the judge or presiding judge may hold a hearing with the parties to the proceedings and the defense attorney to consider issues relevant to the main trial.

Serbia

(2024): Under the Law on Civil Procedure ("Official Gazette of the Republic of Serbia", No. 72/2011, 49/2013 - Decision of the Constitutional Court, 74/2013 - Decision of the Constitutional Court, 55/2014, 87/2018, 18/2020, and 10/2023 - Amendments), the party (including its lawyer) is in obligation, no later than the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory, to present all facts required for explanation of its proposals, to propose evidence that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the time-frame for conducting of the proceeding. The court decides, at the hearing, on the time frame, especially on the number of hearings, time of hearings, schedule for taking of evidence at the hearings and taking of other procedural actions, court time frames, and total time of the main hearing.
At the initial,preparatory hearing, pursuant to the Criminal Procedure Code („Official Gazette of the Republic of Serbia", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - Decision of the Constitutional Court, and 62/2021 - Decision of the Constitutional Court), The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution service, court and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement,on detention and on discontinuing criminal proceedings, as well as on other questions the court finds of relevance for holding a trial.
However, it is important to notice that the together with the prosecutor, defendant, defense counsel, the aggrieved party, legal representative of the prosecutor and aggrieved party, and if needed an interpreter, will be summoned to the preparatory hearing.

(2023): Under the Law on Civil Procedure ("Official Gazette RS", No. 72/11…10/23), the party (including its lawyer) is in obligation, no later than the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory, to present all facts required for explanation of its proposals, to propose evidence that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the time-frame for conducting of the proceeding. The court decides, at the hearing, on the time frame, especially on the number of hearings, time of hearings, schedule for taking of evidence at the hearings and taking of other procedural actions, court time frames, and total time of the main hearing.
At the initial,preparatory hearing, pursuant to the Criminal Procedure Code („Official Gazette RS“, No. 72/01...62/21 decision CC),
The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution service, court and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement,on detention and on discontinuing criminal proceedings, as well as on other questions the court finds of relevance for holding a trial.
However, it is important to notice that the together with the prosecutor, defendant, defense counsel, the aggrieved party, legal representative of the prosecutor and aggrieved party, and if needed an interpreter, will be summoned to the preparatory hearing.

Kosovo*

(2024): In criminal procedure, specifically Article 444, paragraph 1, of the Criminal Procedure Code of Kosovo, it is stated as follows:
The deadlines prescribed by this Code cannot be extended, except when expressly permitted by law. If the deadline for exercising the right to defense and other procedural rights of the defendant is prescribed by law, at the defendant's written request or orally recorded in the court minutes, this deadline may be shortened.
Article 286, paragraph 2, of this Code provides that:
If the single trial judge or the presiding judge of the trial panel postpones the trial hearing as per paragraph 1 of this article, they may schedule periodic hearings to discuss the status of the case, unresolved issues, and to ensure timely resolution of the case or the scheduling of the trial hearing.
In civil procedure, Article 125, paragraphs 1 and 2, states that:
If deadlines are not set by law, they are determined by the court, taking into account the circumstances of the specific case.
The deadline set by the court may be extended upon the request of the interested party, provided that there are reasonable grounds for such an extension.
Conclusion:
The extension of legal deadlines and the matter of agreements with the parties are allowed only if permitted by law and if reasonable grounds exist.

Question 062

Albania

(2024): The High Judicial Council

(2022): High Judicial Council

(2020): The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.
Ministry of Justice, Zogu I Boulevard, Tirana, Albania.

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/

(2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/

Montenegro

(General Comment): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica

(2022): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica

North Macedonia

(General Comment): Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry of Justice and the State Statistical Office.

(2022): Judicial Council is responsible institution for collecting statistical data regarding the functioning of the courts. Certain statistical data are collected in the courts, the Supreme Court, Ministry of Justice and the State Statistical Office.

(2021): Also, certain statistical data are collected in the courts, the Supreme Court, the State Statistical Office and the Ministry of justice.

Serbia

(General Comment): Functioning of the courts: The Supreme Court Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an "Analysis of the performance of courts of general and special jurisdiction", http://www.vk.sud.rs/; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts,https://www.mpravde.gov.rs/; High Judicial Council, Belgrade, Resavska 42 - collection and processing of data on the performance of judges, https://vss.sud.rs/en; Statistical Office of the Republic of Serbia, Belgrade, Milana Rakica 5

(2022): The Supreme Court of Cassation, Belgrade – collection and processing of the greatest number of data and preparation of an "Analysis of the performance of courts of general and special jurisdiction", http://www.vk.sud.rs/; Ministry of Justice, Belgrade, collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, https://www.mpravde.gov.rs/; High Judicial Council, Belgrade - collection and processing of data on the performance of judges, https://vss.sud.rs/en;

(2021): The Supreme Court of Cassation

(2020): The Supreme Court of Cassation

Question 063

Albania

(2024): The statistical data concerning all courts are part fo the HJC annual report accessible here: https://klgj.al/raporte-klgj/
The individual statistical data for each court are also accessible in their annual report.

(2022): The statistical data concerning all courts are part fo the HJC annual report accessible here: https://klgj.al/raporte-klgj/
The individual statistical data for each court are also accessible in their annual report

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each court.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each court.

North Macedonia

(General Comment): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.
State Statistical Office publishes detailed statistical data on its web site particulary in the field of criminal cases. All of these reports are available on the following web site: www.stat.gov.mk

(2021): Judicial Council for its work and workload in the courts on the web site: http://www.sud.mk/wps/portal/ssrm/sud/izvestai/
State Statistical Office publishes detailed statistical data on its web in the field of criminal cases on the web site: www.stat.gov.mk

Serbia

(General Comment): - at the webpage of the Supreme Court Annual and six-month reports on the work of all courts are published, also courts publish their annual individual statistical reports on their internet presentations.

(2022): https://www.vk.sud.rs/sr-lat/godi%C5%A1nji-izve%C5%A1taj-o-radu-sudova

Kosovo*

(2022): Internally on an intranet website also available.

Question 064

Albania

(General Comment): According to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, the General Prosecution Office is responsible for collecting statistical regarding the functioning of the public prosecution services. The reports are published in the official website of the General Prosecution Office on the link: http://www.pp.gov.al/web/Raporte_18_1.php#.YBkrXOhKhaQ . The name and the address is: General Prosecution Office, Rr. “Qemal Stafa”, Nr.1, Tirana, Albania - www.pp.gov.al

(2024): General Prosecution Office

(2022): General Prosecution Office. (St.Qemal Stafa No.1 Tirana, Albania, www.pp.gov.al)

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor’s offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/

(2023): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.

(2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor’s offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: https://vstv.pravosudje.ba/

Montenegro

(General Comment): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.
In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was systematised.

(2022): Secretariat of the Prosecutorial Council; address: Oktobarske revolucije No. 78 81000 Podgorica

Serbia

(General Comment): Supreme Public Prosecutor's office website www.rjt.gov.rs

(2024): Former Republic Public Prosecution Office

(2023): Supreme Public Prosecution (former Republic Public Prosecution Office), Nemanjina 22-26, Belgrade

(2022): Republic Public Prosecution Office, Nemanjina 22-26, Belgrade

(2020): Republic Public Prosecutor

Kosovo*

(2024): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo

(2023): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo.

(2022): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo

Question 065

Albania

(2022): https://www.pp.gov.al/Dokumente/Raporte_te_Prokurorive_te_Rretheve_Gjyqesore/

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor's office.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor's office.

North Macedonia

(General Comment): Public Prosecution Office publishes its reports on the web site.

(2021): 1. Public Prosecutor's Office of the Republic of North Macedonia for its work and for the work of other Public Prosecutor's Offices publishes reports on the web site: https://jorm.gov.mk/category/dokumenti/izvestai/
2. Council of Public Prosecutors of the Republic of North Macedonia for the work on the web site: http://sjorm.gov.mk/%d0%b3%d0%be%d0%b4%d0%b8%d1%88%d0%b5%d0%bd-%d0%b8%d0%b7%d0%b2%d0%b5%d1%88%d1%82%d0%b0%d1%98/

Serbia

(General Comment): Please see link containing the reports of all the ppo's: http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE-%D1%80%D0%B0%D0%B4%D1%83/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%82%D0%BE%D1%80

(2022): www.rjt.gov.rs

Kosovo*

(2024): The statistical reports are published in the webpage of the prosecutorial system, but they are not published yet for 2024 since they are in the process of being finalised.

(2023): The statistical reports are published in the webpage of the prosecutorial system, but they are not published yet for 2023 since they are in the process of being finalised.

(2022): The report for 2022 is not yet finalised

Question 066

Albania

(General Comment): The reports are intended for internal use and are composed of the statistical data (case flow, case management, etc.), productivity of judges, shortfalls and issues evidenced. The table of contents of an annual report of a court is as follows:

I. Introduction

II. Judicial Activity

1. The burden and type of litigation.
2. Trend of load with issues.
3. Resolving issues.

a. Criminal Matters

b. Criminal claim

c. Pre-trial criminal claim

d. Criminal-administrative claim

e. Civil matters

4. Charges for judges.

a. Delegations of judges

5. Control of decision-making by higher courts.
6. Speed in judgment.
7. Refuses to adjudicate cases.
8. Exclusions of judges from adjudication of cases.

III. Judicial Case Management

1. Monitoring the progress of issues.
2. Electronic system of management of court cases.

IV. Administrative management of the court

1. Organics and Human Resources.
2. Information technology.
3. Provision of services by the judicial administration.
4. Accessibility, transparency, public relations and the media.
5. Security and security issues in court.

Bosnia and Herzegovina

(General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

(2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

Montenegro

(General Comment): The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court.

(2024): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year for the previous year, and to publish it on the website of the court. The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court.

North Macedonia

(General Comment): Reports are available on the following web site: www.sud.mk

(2021): Regular activity reports to: the Judicial Council, the Supreme court, Appellate courts, Ministry of Justice, State Statistical Office. An annual report of the Judicial Council to the Assembly.

Serbia

(General Comment): Backlog Reduction Program with its action plan, court visit plan (in all, except the first instance courts) annual schedule of work of judges and judicial assistants, etc.

Kosovo*

(2024): The Secretariat of the Kosovo Judicial Council

Question 067

North Macedonia

(2021): Reports are available on the following web site: www.sud.mk

Serbia

(General Comment): All courts prepare a three month report, six-month and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court and the Ministry of Justice. The Courts also draft and submit their individual Program for Resolution of Backlog Cases and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.
Moreover, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public Importance (Art. 39) , to publish information on its activities, organization etc. This information is available at the website of each court . (see for example website of the Supreme Court of Cassation (http://www.vk.sud.rs).

(2024): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court, High Judicial Council and the Ministry of Justice. The Courts also draft and submit the Program for Backlog Reduction and submit it to the Supreme Court. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc. Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public importance (Art. 39), to publish information on their activities, organization etc. This information is available at the website of each court. (see for example website of the Supreme Court (http://www.vrh.sud.rs).

(2023): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court, High Judicial Council and the Ministry of Justice. The Courts also draft and submit the Program for Backlog Reduction and submit it to the Supreme Court. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc. Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public importance (Art. 39), to publish information on their activities, organization etc. This information is available at the website of each court.
(see for example website of the Supreme Court (http://www.vrh.sud.rs).

Kosovo*

(2024): Court presidents prepares report on quarterly bases and present them in the KJC meetings, reports includes statistical report for the court performance. Also, the Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.
These reports are published on the KJC website and are public.

(2023): Court presidents prepares report on quarterly bases and present them in the KJC meetings, reports includes statistical report for the court performance. Also, the Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.
These reports are published on the KJC website and are public.

(2022): The Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.
These reports are published on the KJC website and are public.

(2021): In the Department of Statistics at the Kosovo Judicial Council

Question 068

Montenegro

(General Comment): The president of the court is obliged to submit the report on the work of the court to the Judicial Council and the Ministry of Justice, no later than February 10 of the current year for the previous year, and to publish it on the court's website within that period. In addition to that, the president of the court prepares a semi-annually report on the work of the court. At the request of the Judicial Council, the president of the court is obliged to submit special - periodic report, within the deadline set by the Judicial Council.
The courts also submit special reports required for reporting to the European Union and international organizations, as well as to monitor the application of regulations. These obligations are prescribed by the Law on courts.

Serbia

(General Comment): Internet (Annual and six month report on work of courts)
Intranet website
Paper distribution – sometimes in paper – Annual report

Kosovo*

(2024): See the comment above

(2022): More frequent reports are also available.

(2021): An annual report is published each year but also other reports on a more frequent basis.

Question 069

Albania

(General Comment): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc.Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

(2021): According to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, the head of the prosecution offices of first and second instance of general jurisdiction prepare an annual report within the month of February of each year, on the progress of work in the relevant prosecution during the previous year and report to the General Prosecutor. Pursuant to Article 148/b of the Constitution of the republic of Albania, the General Prosecutor reports to the Assembly for the state of criminality. In line with Article 104 of Law 97/2016 “On the Organizing and Functioning of the Prosecution Office”, reporting must be carried out at least once a year and it contains data and explanations on the number, types, territorial extension, intensity and forms of crime. The decision no.134/2018 of the Assembly of the Republic of Albania, in addition to above, provides that the annual report must contain data regarding even to the institution inner organizing, including the structure and the organigram; data on income and expenses, legal references, implementing the international obligations. Furthermore, in accordance with the Law nr. 97/2016, each prosecution office has the obligation to prepare an annual report on the prosecution activity, including the above mentioned activities. These reports are presented to the General Prosecutor Office

Bosnia and Herzegovina

(General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

(2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

Montenegro

(General Comment): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the status and trends of crime in the previous year.

North Macedonia

(General Comment): Reports are available on the following web site: www.jorm.gov.mk

(2021): Regular activity reports to: the Council of Public Prosecutors, Public Prosecutor’s Office of the Republic of North Macedonia, Higher public prosecutor’s offices, Ministry of Justice, State Statistical Office. An annual report of the Council of Public Prosecutors and an annual Report of the Public Prosecutor’s Office of the Republic of North Macedonia, to the Assembly.

Serbia

(General Comment): Every public prosecutor`s office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor`s Office is preparing aggregated annual report of all prosecutor`s offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecutor`s Office and made available for the public.

Kosovo*

(2024): Every prosecution office reports in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

(2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

(2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

Question 070

Albania

(2020): There is no legal providing for the medium of the publication of the report. The report is published in a format that would allow quick dissemination. This year, costs have also been taken into consideration for such publication.

Montenegro

(2023): In 2022, the Methodology for preparation of the annual report was adopted, which is an official document for the preparation of the annual report that contains necessary data that are integral part of the annual activity report of the Prosecutorial Council and State Prosecution Office. The complete report is submitted to the Parliament of Montenegro for consideration, in accordance with Article 41, para. 4 of the Law on State Prosecution Office.

(2022): In 2022, the Methodology for preparation of the annual report was adopted, which is an official document for the preparation of the annual report that contains necessary data that are integral part of the annual activity report of the Prosecutorial Council and State Prosecution Office. The complete report is submitted to the Parliament of Montenegro for consideration, in accordance with Article 41, para. 4 of the Law on State Prosecution Office.

North Macedonia

(2021): Reports are available on the following web site: www.jorm.gov.mk

Serbia

(2024): Every public prosecution is required to prepare annual report on their work. Based on these reports, the Supreme Public Prosecution is preparing aggregated annual report. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes.
Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is published on the web site of the Supreme Public Prosecution Office and made available for the public.

(2023): Every public prosecution is required to prepare annual report on their work. Based on these reports, the Supreme Public Prosecution is preparing aggregated annual report. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes.
Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported.
Annual report is published on the web site of the Supreme Public Prosecution Office and made available for the public.

(2022): Every public prosecution office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecution Office is preparing aggregated annual report. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecution Office and made available for the public.

Kosovo*

(2023): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

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(2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

Question 071

Kosovo*

(2024): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

(2023): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

(2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

(2021): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

Question 074

Albania

(2024): The current evaluation system is based on Decision No. 261/2, dated 14.04.2010, of the High Council of Justice. In reference to the criteria for measuring judicial activity, the quantitative work standard implies the realization by the judge within a calendar year of a workload of at least the following:
a. First instance judge of the criminal chamber, as rapporteur, no less than 100 trials of criminal cases (crimes and criminal misdemeanors).
b. First instance judge of the civil chamber, as rapporteur, of the commercial section, no less than 100 trials of cases related to commercial disputes.
c. First instance judge of the civil chamber, as rapporteur, of the administrative section, no less than 150 trials of cases related to administrative disputes.
d. The first instance judge of the civil chamber, as rapporteur, of the family section, no less than 200 trials of cases related to family disputes.
e. The first instance judge of the civil chamber, as rapporteur, of the general section, no less than 120 trials of cases related to disputes between opposing parties.
ë. The judge of the first instance court, of the civil and criminal chamber, examines no less than 400 cases of a claim nature (civil or criminal) with or without interested parties.
f. The judge of the first instance court for serious crimes, as rapporteur, no less than 10 trials of criminal cases.
g. The judge of the first instance court that is not organized into sections, as rapporteur, no less than 200 cases, criminal (crimes and criminal misdemeanors) and civil related to disputes between opposing parties.
h. Judge of the Court of Appeal of the Criminal Chamber, as rapporteur, not less than 150 trials of criminal cases.
i. Judge of the Court of Appeal of the Civil Chamber, as rapporteur, not less than 200 trials of civil cases.
j. Judge of the Court of Appeal for Serious Crimes, as rapporteur, not less than 20 trials of criminal cases.
k. The President of the Court in the function of judge means the realization by them within a calendar year of a minimum workload, respectively to the extent of 40% of the minimum workload of the judge of that court.

Bosnia and Herzegovina

(General Comment): Q 074 The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a court case within a given case category and its weight.

(2019): The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a court case within a given case category and its weight.

Montenegro

(General Comment): Ministry of Justice adopts the Rulebook on indicative benchmarks for determining the necessary number of judges and civil servants and state employees in court.

North Macedonia

(General Comment): The quantitative criteria for the performance of the judge are: - the scope of his work, which is valued by the number and type of resolved cases in relation to the orientation number of cases to be solved by the judge monthly obtained from the Automatic Judicial and Information System for Case Management. - the quantity of the judge's work in the section of altered decisions made in relation to the total number of resolved decisions. If the number of resolved cases by certain types of cases in relation to the envision orientation number is 100%, it is considered that the judge has met the quantitative criteria and is valued at 40 points. The higher or lower number of resolved cases in relation to the envision orientation number of cases is evaluated in such a way that for each 1% more or less started, the number of points referred to in paragraph 3 of this Article increases or decreases by 0.5 points ,but the total number of points cannot be more than 60 points, nor less than 20 points. The quantity of work of the judge in the part of the reversed and altered decisions is assessed through an insight into the automated computerized court management system by taking into consideration only the number of decisions against which legal remedies are allowed and they are altered due to misapplication of substantive law. The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table: Percentage of altered decisions in relation to the total number of resolved cases: Up to 5% - 20 points, from 5% to 10% - 15 points, from 10% to 15% - 10 points, from 15% to 20% - 7 points, from 20%to 30% - 4 points, more than 30% - 0 points.

Serbia

(General Comment): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision.

(2024): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision. Regarding courts, the Regulation on the Criteria, Measures, Procedure, and Authorities for Evaluating the Work of Judges and Presidents of Courts (Official Gazette of the RS, No. 81/14, 142/14, 41/15, and 7/16) is effective until December 31, 2025. Article 18 of this Regulation defines the monthly norm for case resolution across various types of cases and court instances (e.g., Basic, Higher, Appellate, Commercial, Misdemeanor, Administrative Courts). This norm establishes a quantitative benchmark for the number of cases handled by judges, segmented by type (e.g., criminal, civil, family, enforcement).

(2023): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision.

Kosovo*
(2024): In 2023, the Judicial Council introduced the Regulation on the Work Norm of Judges, setting clear guidelines for how a judge’s workload is measured. The system takes into account the type of case, its complexity, and the time needed to resolve it. Each case is assigned a certain number of points, reflecting these factors. A judge meets the expected workload by reaching 100 points and fulfills the annual requirement with 1,100 points. Court presidents are responsible for monitoring if the norm for each judge has been met and reports to the Judicial Council every three months.

Question 075

Albania
(2024): High Judicial Council

(2020): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved by the Council

Bosnia and Herzegovina

(General Comment): Q075 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

North Macedonia

(General Comment): Judicial Council is responsible body for setting the targets for judges.

(2023): Judicial Council according to the Law on Judicial Council is responsible body for setting the targets for judges. For more explanations, please see the general comment.

(2022): Judicial Council according to the Law on Judicial Council is responsible body for setting the targets for judges. For more explanations, please see the general comment.

Serbia

(General Comment): The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. Against the decision on the evaluation of the work of the judge and the president of the court, an appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent.
The manner of work of the Commission is determined by an act of the High Judicial Council.

(2024): The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. Against the decision on the evaluation of the work of the judge and the president of the court, an appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent. The manner of work of the Commission is determined by an act of the High Judicial Council.

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The manner of work of the Commission is determined by an act of the High Judicial Council.

(2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents' performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents' performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents' performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions' operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents' performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

Kosovo*

(General Comment): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for judges.

Question 075-1

Albania

(2021): It is part of ethical and professional evaluation of judges. As such it influences the final score and therefore the career of the judge

(2020): Other: It is part of the professional and ethical evaluation of judges. As such, it influences the final score, therefore the career of the judge.

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopts the criteria for the annual performance evaluation of judges: Quantity of work (i.e. annual quota) – up to 40 points, Percentage of realization of individual case resolution plan - up to 20 points, Statistical quality of decisions (i.e. reversal rate) – up to 40 points. As mentioned above, one of the criteria is the annual quota, i.e. the number of cases that a judge should resolve over the course of a year. A judge may receive a maximum of 40 points under this criterion if they exceed the annual quota. However, if a judge fails to reach the best possible result than a certain number of points are awarded in the annual performance procedure as follows:
a) up to 50% of the achieved quota: 0 points; b) 51–60% of the achieved quota: 10 points;
c) 61–70% of the achieved quota: 15 points;
d) 71–80% of the achieved quota: 20 points;
e) 81–90% of the achieved quota: 30 points;
f) 91–100% of the achieved quota: 35 points;
g) over 100% of the achieved quota 40 points.
It is not in itself a disciplinary offense if the judge or prosecutor resolves a smaller number of cases than the intended target. However, a poor work result results in a judge or prosecutor receiving a poor grade, which may indicate that a judge or prosecutor is negligently performing his or her duties. The Disciplinary Prosecutor's Office in HJPC BiH examines the circumstances due to which the target was not achieved in individual cases.

Montenegro

(2022): According to the Law on Judicial Council, a disciplinary offence is if judge does not accomplish 50% of quantity of work in relation to the average quantity benchmarks in particular category of cases, unless a judge provides a reasonable justification on reasons not accomplishing results in terms of quantity of work. Quantity benchmarks are established by Judicial Council

Serbia

(General Comment): Other, please specify: The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court. The decision on the evaluation represents the basis for the election and compulsory training of the judge, i.e. the president of the court.

(2023): Other, please specify: The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court. The decision on the evaluation represents the basis for the election and compulsory training of the judge, i.e. the president of the court.

(2022): not be appointed to permanent office or to be referred to mandatory training

(2020): Law on Judges in Art 52 prescribe that a first-time elected judge whose work during
the first three-year term of office is assessed as "not satisfactory" may not be appointed to
permanent office.

Question 076

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the criteria for the performance evaluation of judges in December 2022.
A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to
which a legal remedy may be filed with the higher instance court.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of judges.
Judges of the courts in Bosnia and Herzegovina are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, analytical quality of work and decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.
The analytical quality of work and decisions shall be evaluated by assessing the following sub-criteria: a)Consistency of the introduction,enactment clause and reasoning of a court decision with the procedural provisions that prescribe their content, especially concerning any requests, objections, claims from the appeal, as well as the existence of clear instruction for the lower instance court in the event of the decision being reversed;
b)The quality of reasoning of court decisions concerning the ability to properly assess evidence and properly and fully establish the state of facts, legal analyses and analytical opinions, consistency in presenting the reasoning, knowledge and application of regulations and caselaw, including the application of international agreements and practices of the European Court of Human Rights and other international courts;
c)Oral and writing skills, especially the ability to legibly and concisely express and apply the appropriate legal terminology;
d)Communication with parties, other authorities and relationship with associates;
e)Quality in conducting procedures with particular consideration for:
The ability to solve complex cases;
Trial preparation through proper preparations for main hearings/trials, precise definition of actions that need to be carried out at hearings and evidence that needs to be presented as well as the concentration of evidence; Conducting procedures in accordance with the principles of efficiency and economy, avoidance of undue postponing and adjourning of hearings and by taking legal measures to ensure the presence of the accused, litigants, witnesses and expert witnesses, measures to prevent any abuse of the procedural rights of the parties and other participants, adherence to legal deadlines in scheduling hearings/trials, and taking legal measures, which must be reflected in the minutes of the hearings, to finalize disputes through court settlement;
Promptness in drafting and dispatching court decisions;
f)Willingness to assume additional work in connection with the performance of judicial duties especially mentoring, contributing to the work of the court or court department (participation in preparing the court bulletin and similar activities), cooperation with training and advanced training efforts (including publication of law papers or books, educational activities), international cooperation and cooperation involving legislative procedures (participation in working groups tasked with

Montenegro

(General Comment): According to the Law on Judicial Council and Judges, criteria for assessment are expert knowledge and general capabilities for performing judicial function. The evaluation is used for the purpose of assessment of expertise, quantity and quality of work, ethical aspects, training needs, as well as for the purpose of promotion to the court of higher instance.

(2024): The evaluation of judges is carried out by the Commission for Evaluation of the Work of Judges, established by the Judicial Council. The evaluation committee consists of the president of the Supreme Court and four members of the Judicial Council, three of whom are judges and one is a distinguished lawyer. The decision on the evaluation of the judge's work is made by the Evaluation Commission, on the proposal of the council of judges for evaluating the work of judges, which consists of the president of the court in which the judge is evaluated and four judges from higher courts (hereinafter: the council of judges for evaluation). Councils of judges for evaluation are formed by the Judicial Council. The work of judges, except judges of the Supreme Court, is evaluated, every three years, in order to assess their expertise, quantity and quality of work, ethics and the need for training, as well as for the purpose of promotion to a higher court. Judges' work grades are excellent, good, satisfactory and does not satisfy. The criteria for evaluating the work of judges are:
professional knowledge, quantity and quality of work; trial preparation; ability to plan and effectively implement procedural actions and skills in conducting hearings; advanced training. The quantity and quality of work is evaluated based on the number of cases in progress, the number of completed cases, annulled decisions, the number of open hearings and hearings by the second-instance court, adopted control requests, decisions made within the legal deadline and the quality of explanations.
Based on the quantity of work, the judge will be graded unsatisfactory if his work results are more than 20% below the average standards of the quantity of work in a certain type of case set by the Judicial Council according to the size of the court, if the judge does not give justified reasons for this. The preparation for the trial is evaluated on the basis of precisely defined actions that should be carried out at the preparatory hearing and the evidence that should be presented with their concentration.
The ability to plan and effectively implement procedural actions is evaluated based on the judge's ability to organize and effectively execute procedural and other actions in accordance with the principle of efficiency and economy of the procedure, and the skill of conducting a hearing is based on the judge's ability to manage the hearing in a clear and comprehensible manner while respecting procedural rules. roles of the parties in the proceedings.
Professional training is evaluated based on all the activities a judge undertakes to improve and apply knowledge and methods in work.
2) general abilities for exercising the function of a judge: communication skills; ability to adapt to changed circumstances; participation in various professional activities; ability to organize and coordinate court employees.
Communication skills are assessed on the basis of showing respect for the parties, colleagues and employees of the court, in the performance of the judicial function. The ability to adapt to changed circumstances is assessed on the basis of the ability to adapt to structural and organizational changes in the court in which he performs the judicial function, changes in laws and procedural rules, as well as new technologies and work rules.
Participation in various professional activities is evaluated based on the judge's participation in trainings and other professional activities.
The ability to organize and coordinate court employees is assessed based on the judge's ability to cooperate, organize and control the work of advisers, interns and employees who work with him.

(2023): According to the Law on Judicial Council and Judges, criteria for assessment are expert knowledge and general capabilities for performing judicial function. The evaluation is used for the purpose of assessment of expertise, quantity and quality of work, ethical aspects, training needs, as well as for the purpose of promotion to the court of higher instance.

North Macedonia

(General Comment): The monitoring of the work of the judge and the president of the court is carried out by the Judicial Council through regular and extraordinary evaluation. The judge is evaluated according to the overall results of the success achieved in his work through the established qualitative and quantitative criteria by the Law on Judicial Council of the Republic of North Macedonia. The purpose of monitoring and evaluating the work of the judge and the president of the court is the affirmation of the judiciary as an independent authority, strengthening the personal motivation of judges, and ensuring the further professional development of judges based on their personal and professional abilities without any influence, as well as strengthening the independence and impartiality of judges when performing their judicial function. Assessment is one of the criteria for the promotion to judge in a higher court. Also, negative grades in the process of assessment is a grounds for disciplinary procedure against a judge.

(2020): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.

Serbia

(General Comment): According to Law on Judges (“Official Gazette of RS", No. 10/2023) the purpose of evaluation is to evaluate, maintain and improve the quality of work, with the observance of independence of a judge, in order to strengthen public trust in the work of judges and the courts. The work of a judge and a president of court must be regularly evaluated, except in case of the judge and the president of the Supreme Court and the judge above the age of 60. The work of the judge above the age of 60 shall be evaluated at the personal request of the judge or at the proposal of the president of the court. Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.

The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to selfevaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision.

(2024): Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court.

(2023): Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of published, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and ability to its application; the ability of analytical opinion and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written expression and argument ability; ability to organize the judge's work; the ability to perform the tasks of the leading position, if the judge is appointed to such a position; undertaking additional works and duties; The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are closer regulated by the act of the High Judicial Council.
The work of the judge, i.e. the president of the court, is evaluated with: “excellently performs the judicial function”, “successfully performs the judicial function”, “satisfactorily performs the judicial function”, “unsatisfactorily performs the judicial function”. The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court.

(2020): According to Art. 33 of the Law on Judges, performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three members appointed by the Council from among judges of the Supreme Court of Cassation (article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.

Kosovo*

(2024): Based on Article 6, Article 12 and Article 13 of Regulation 11/2016 on the Evaluation of Judicial Performance of the KJC.

(2022): Based on Article 6 of Regulation 11/2016 on the Evaluation of Judicial Performance, of the KJC.
- The assessment can also be more frequent.
The Commission for the Evaluation of Judges' Performance has the competence to evaluate the performance of judges with permanent mandate according to the "Random" method, judges with initial mandate and those who are candidates for promotion. The Commission for the Evaluation of Judges' Performance performs its tasks and activities based on the Law on the Judicial Council and the Regulation on the Evaluation of the Performance of Judges, approved by the Kosovo Judicial Council. The Judicial Performance Evaluation Committee assesses the basis for the promotion or demotion of judges, including the initiation of dismissal proceedings and the evaluation for the purpose of reappointment. Judges with initial mandates are evaluated two (2) times during this mandate and once after the initial training and once before the expiration of the initial mandate for the purpose of reappointment. Permanent judges are evaluated every 3 years.
Pursuant to Article 14 of the Regulation on the evaluation of the performance of judges, Judges are evaluated according to the following scales, from 0 to 89 points: 1.1. From 0 to 35 points is evaluated "debit", 1.2. From 36 to 51 points is considered "sufficient", 1.3. From 52 to 67 points is rated "good", 1A. From 68 to 82 points is evaluated "very good", 1.5. From 83 to 89 points is rated "excellent". 2. Only judges who are evaluated with "excellent" evaluation will be considered for promotion, in case of vacancies in the Court of Appeals and / or the Supreme Court. In case the evaluation results that there are not enough judges ranked according to the points with "excellent" evaluation, the Council takes into account the judges ranked according to the points with the evaluation "very good". The evaluation commission will compile a Guide for the evaluation of judges for each indicator which will be made public to judges before the evaluation process begins.
Pursuant to Article 3.19 of the Regulation on the Evaluation of Judges' Performance, the evaluation of judges is done in accordance with the principle of legality, objectivity, transparency and equality, in order to guarantee equal opportunities and rights for the development of the judge's career. . 2. The evaluation is not intended to interfere with the independence and impartiality of the judge. 3. Unless otherwise provided by law or regulation, all data and information collected during the performance appraisal process are confidential and are not disclosed during the first phase of the appraisal. Disclosure of any information that violates the confidentiality of the evaluation process constitutes a disciplinary violation and will be treated according to applicable law.

Question 076-1

Albania
(2024): High Judicial Council

Bosnia and Herzegovina

(2020): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020.
A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b)the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

Montenegro

(2024): general criteria are set in the Law on Judicial Council and Judges, which MoJ drafts

(2023): general criteria are set in the Law on Judicial Council and Judges, which MoJ drafts

North Macedonia

(General Comment): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.
Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council. On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.
Link to the Methodology:
http://www.vsrm.mk/wps/wcm/connect/ssrm/c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47/%D0%9C%D0%95%D0%A2%D0%9E%D0%94%D0%9E%D0%9B%D0%9E%D0%93%D0%98%D0%88%D0%90+%D0%97%D0%90+%D0%9E%D0%A6%D0%95%D0%9D%D0%A3%D0%92%D0%90%D0%8A%D0%95+%D0%9D%D0%90+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%90%D0%A2%D0%90+%D0%9D%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%88%D0%90+%D0%92%D0%A0%D0%97+%D0%9E%D0%A1%D0%9D%D0%9E%D0%92%D0%90+%D0%9D%D0%90+%D0%98%D0%A1%D0%9F%D0%9E%D0%9B%D0%9D%D0%95%D0%A2%D0%9E%D0%A1%D0%A2+%D0%9D%D0%90+%D0%9A%D0%92%D0%90%D0%9B%D0%98%D0%A2%D0%90%D0%A2%D0%98%D0%92%D0%9D%D0%98%D0%A2%D0%95+%D0%9A%D0%A0%D0%98%D0%A2%D0%95%D0%A0%D0%98%D0%A3%D0%9C%D0%98+%D0%97%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%A1%D0%9A%D0%9E%D0%A2%D0%9E+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%95%D0%8A%D0%95.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE.Z18_L8CC1J41L0B520APQFKICD0CR4-c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47-kZargVy

(2024): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.

(2023): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.

(2022): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.

(2021): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure,
there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.
On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for
qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.

(2020): On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.

Serbia

(General Comment): The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. Against the decision on the evaluation of the work of the judge and the president of the court, an appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent.
The manner of work of the Commission is determined by an act of the High Judicial Council.

(2024): The decision on performance evaluation is adopted based on a comprehensive analysis and assessment of the abilities and results of the work of the judge, i.e. the president of the court, according to the criteria and indicators prescribed by the act of the High Judicial Council.
The decision on the evaluation of judges, i.e. the president of the court, must be accompanied by an explanation.
The decision on the evaluation is added to the personal file of the judge, i.e. the president of the court.

(2023): The decision on performance evaluation is adopted based on a comprehensive analysis and assessment of the abilities and results of the work of the judge, i.e. the president of the court, according to the criteria and indicators prescribed by the act of the High Judicial Council.

(2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents’ performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents’ performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents’ performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions’ operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents’ performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

Question 077

Albania

(2024): The periodicity of the evaluation of judges is foreseen by law in two frequencies, specifically:
- The magistrate is evaluated once every three years, during the first fifteen years of experience professional, including professional experience as assistant magistrate or commanding magistrate.
- The magistrate is evaluated once every five years, after the first 15 years of professional experience magistrates.

(2023): The periodicity of the evaluation of judges is foreseen by law in two frequencies, specifically:
- The magistrate is evaluated once every three years, during the first fifteen years of experience professional, including professional experience as assistant magistrate or commanding magistrate.
- The magistrate is evaluated once every five years, after the first 15 years of professional experience magistrates.

Serbia

(General Comment): The period for which the valuation is carried out
Article 39
The work of a judge, that is, the president of the court, is regularly evaluated once every five years.
Exceptionally from paragraph 1 of this article, based on the decision of the High Council of the Judiciary, the work of the judge and the president of the court may be evaluated in an extraordinary manner.

(2024): The work of the judges, i.e. the presidents of the court, is being regularly evaluated once in five years. Exceptionally , based on the decision of the High Judicial Council, a judge and a president of court may be evaluated extraordinarily.

(2023): The work of the judges, i.e. the presidents of the court, is being regularly evaluated once in five years. Exceptionally , based on the decision of the High Judicial Council, a judge and a president of court may be evaluated extraordinarily.

Kosovo*
(General Comment): Every three years .

(2024): Judges with an initial mandate are evaluated twice: first, at the end of the 12-month initial training, and second, before the expiration of their initial mandate for the purpose of reappointment with a permanent mandate.
Judges with a permanent mandate are evaluated every three years. However, each year, one-third of the judges are evaluated.

Question 078

Bosnia and Herzegovina
(General Comment): Q078 The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight.

(2019): The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
Article 109
Evaluation of the work of the chief public prosecutor and the public prosecutor is the basis for selection and mandatory training.
The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Work evaluation grades
Article 111
Evaluation of work is expressed by a grade.
The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function".
The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
Article 109
Evaluation of the work of the chief public prosecutor and the public prosecutor is the basis for selection and mandatory training. The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Work evaluation grades
Article 111
Evaluation of work is expressed by a grade.
The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function".
The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure
Article 112
The evaluation of the work of the chief public prosecutor and the public prosecutor is carried out by a commission appointed by the High Council of Prosecutors.

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
Article 109
Evaluation of the work of the chief public prosecutor and the public prosecutor is the basis for selection and mandatory training.
The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Work evaluation grades
Article 111
Evaluation of work is expressed by a grade.
The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function".
The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure

Kosovo*
(2024): The quantitative targets are defined through the Administrative instruction on Prosecutors' oriented norm. These targets differ based on level of prosecution office, department, complexity of cases, etc.

(2022): KPC has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.

Question 079

Albania

(2023): (no targets in the system)

Bosnia and Herzegovina

(General Comment): Q079 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Work evaluation procedure
Article 112
The evaluation of the work of the chief public prosecutor and the public prosecutor is carried out by a commission appointed by the High Council of Prosecutors.
The commission is composed of three members, in which public prosecutors of a higher level evaluate the work of the chief public prosecutor and a public prosecutor of a lower level.

Kosovo*

(General Comment): KPC has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.

(2024): KPC has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.

(2021): KPC in 2018 has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.

Question 079-1

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopts the criteria for the annual performance evaluation of prosecutors: Quantity of work (i.e. annual quota) – up to 40 points, Percentage of realization of individual case resolution plan - up to 20 points, Statistical quality of decisions (i.e. conviction rate) – up to 40 points. As mentioned above, one of the criteria is the annual quota, i.e. the number of cases that a prosecutor should resolve over the course of a year. A prosecutor may receive a maximum of 40 points under this criterion if they exceed the annual quota. However, if a prosecutor fails to reach the best possible result than a certain number of points are awarded in the annual performance procedure as follows:
a) up to 50% of the achieved quota: 0 points; b) 51–60% of the achieved quota: 10 points;
c) 61–70% of the achieved quota: 15 points;
d) 71–80% of the achieved quota: 20 points;
e) 81–90% of the achieved quota: 30 points;
f) 91–100% of the achieved quota: 35 points;
g) over 100% of the achieved quota 40 points.
It is not in itself a disciplinary offense if the judge or prosecutor resolves a smaller number of cases than the intended target. However, a poor work result results in a judge or prosecutor receiving a poor grade, which may indicate that a judge or prosecutor is negligently performing his or her duties. The Disciplinary Prosecutor's Office in HJPC BiH examines the circumstances due to which the target was not achieved in individual cases.

Montenegro

(2022): As regards to quantity of work, the state prosecutor shall be evaluated "not satisfactory" if the results of work are more than 20% below average benchmarks for quantity of work in particular category of cases which are determined by Prosecutorial Council according to the size of subject prosecution office, and unless a prosecutors do not provide justified reasons for that.

Serbia

(General Comment): Evaluation of work is expressed by a grade. The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function". The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor. The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.

Kosovo*

(General Comment): if prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

(2024): If prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

(2022): If prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

(2021): Other: if prosecutors do not fulfil their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

Question 080

Bosnia and Herzegovina

(2020): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.
A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor’s indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

Montenegro

(2024): Law on the State Prosecutor, Official Gazette of the Republic of Montenegro, No.11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024 Article; and Articles 86-100

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)VI EVALUATION OF THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND THE PUBLIC PROSECUTOR
A term
Article 109
Evaluation of the work of the chief public prosecutor and the public prosecutor is the basis for selection and mandatory training.
The evaluation is carried out on the basis of publicly announced, objective, unique and comprehensive criteria based on qualitative and quantitative indicators.
The evaluation of the work of the chief public prosecutor and the public prosecutor is based on the following basic criteria: professional knowledge and ability to apply it; the ability to think analytically and solve legal issues; ability to make decisions within appropriate deadlines; discussion and listening skills; the ability of oral and written expression and argumentation; the ability to organize and manage the public prosecutor's work; taking on additional jobs and responsibilities.
Criteria and indicators for evaluation, method and procedure of evaluation of the work of the chief public prosecutor and the public prosecutor are regulated in more detail by an act of the High Council of Prosecutors.
The work of the Supreme Public Prosecutor and public prosecutors of the Supreme Public Prosecutor's Office is not subject to evaluation.
The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.
Work evaluation grades
Article 111
Evaluation of work is expressed by a grade.
The ratings are: "extremely successfully performs the public prosecutor's function", "successfully performs the public prosecutor's function", "satisfactorily performs the public prosecutor's function" and "unsatisfactorily performs the public prosecutor's function".
The grade is entered in the personal file of the chief public prosecutor, that is, the public prosecutor.
The chief public prosecutor, that is, the public prosecutor, has the right to complain against the decision on performance evaluation to the High Council of the Prosecutor's Office within 15 days from the day of receipt of the decision, which must be explained.
Work evaluation procedure

(2024): Evaluations are being carried out by commissions formed by the High Prosecutorial Council. The new bylaw on evaluation is currently being prepared by the Working group. The present criteria include:
professionalism, capability to apply knowledge, analytical thinking and practical skills, legal issues resolving etc. The main purpose for which the results are used is promotion.
The new bylaw: REGULATION ON CRITERIA AND INDICATORS FOR EVALUATING THE WORK OF THE CHIEF PUBLIC PROSECUTOR AND PUBLIC PROSECUTOR ("Official Gazette of the RS", No. 33/2024 and 45/2024) was adopted by the council in May 2024This bylaw prescribes the criteria for evaluation which are as follows:
- professional knowledge and the ability to apply it,
- the ability to form an analytical opinion and resolve legal issues,
- the ability to make decisions within reasonable deadlines,
- discussion and hearing skills,
- the ability to express and argue orally and in writing,
- taking on additional tasks and duties.
This bylaw also allowed the Council to form the Evaluation Commission, consisting of three members, in which public prosecutors of a higher level evaluate the work of the Chief Public Prosecutor and public prosecutors of a lower level. The Commission members are elected from among the public prosecutors of the Supreme Public Prosecutor's Office. The Council may also form other working bodies within the Commission on the appellate and higher level of public prosecutor’s offices, to assist with the evaluation of public prosecutors.
Evaluation of public prosecutors can be regular and extraordinary:
- Regular evaluation of chief public prosecutors and public prosecutors is conducted every three years.
- Extraordinary evaluation may be requested by the Council in the following instances:
- when electing chief public prosecutors and public prosecutors to another or higher public prosecutor's office,
- at the personal request of the chief public prosecutor and public prosecutor in the event of absence from work for more than ¾ of the evaluation period,
- when the chief public prosecutor or public prosecutor is assessed as "unsatisfactorily performing the public prosecutorial function",
- in other cases when the High Prosecutorial Council assesses that it is justified and necessary.

(2023): Evaluations are being carried out by commissions formed by the High Prosecutorial Council. The new bylaw on evaluation is currently being prepared by the Working group. The present criteria include: professionalism, capability to apply knowledge, analytical thinking and practical skills, legal issues resolving etc. The main purpose for which the results are used is promotion.

(2020): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.
One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.
More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on the basis of the SPC decision

Kosovo*

(General Comment): The annual assessment of prosecutors work is done by their superior/chief prosecutor. The regular every 3 year Performance evaluation is done by the Council's permanent Committee for performance evaluation of prosecutors.

Prosecutors performance assessment done by the Council's Committee is based on:

1. Professional knowledge, work experience and performance, including human right knowledge and compliance;
2. Ability for legal reasoning;
3. Professional skills, including participation in formal training in which performance is assessed;
4. Skills and ability to analyze legal problems;
5. The ability to perform tasks impartially, with conscience, diligence, determination and responsibility;
6. Communication skills;
7. Behaviors outside the office, as well
8. Personal integrity;
9. Evaluation by the superior.

The Committee evaluates the performance of prosecutors according to the level of prosecution, department and function, based on the evaluation categories as follows:

1.1. Ethics and integrity;
1.2. Productivity;
1.3. Legal knowledge and reasoning;
1.4. Case management;
1.5. Writing;
1.6. Communication and advocacy;
1.7. Ability to judge and decide;
1.8. Leadership and teamwork;
1.9. Professional development and other skills, including the use of technology;
1.10. Management.
1.11. Case Supervision.

All of these and more information can be found in the Regulation for performance evaluation in the following link: https://prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/Regullation%20No.05.2020%20-%20on%20the%20prosecutor's%20performance%20assessment.pdf

(2024): The annual assessment of prosecutors work is done by their superior/chief prosecutor. The regular every 3 year Performance evaluation is done by the Council's permanent Committee for performance evaluation of prosecutors.
Prosecutors performance assessment done by the Council's Committee is based on:
1. Professional knowledge, work experience and performance, including human right knowledge and compliance;
2. Ability for legal reasoning;
3. Professional skills, including participation in formal training in which performance is assessed;
4. Skills and ability to analyze legal problems;
5. The ability to perform tasks impartially, with conscience, diligence, determination and responsibility;
6. Communication skills;
7. Behaviors outside the office, as well
8. Personal integrity;
9. Evaluation by the superior.
The Committee evaluates the performance of prosecutors according to the level of prosecution, department and function, based on the evaluation categories as follows:
1.1. Ethics and integrity;
1.2. Productivity;
1.3. Legal knowledge and reasoning;
1.4. Case management;
1.5. Writing;
1.6. Communication and advocacy;
1.7. Ability to judge and decide;
1.8. Leadership and teamwork;
1.9. Professional development and other skills, including the use of technology;
1.10. Management.
1.11. Case Supervision.
All of these and more information can be found in the Regulation for performance evaluation in the following link:
https://prokuroria-rks.org/wp-content/uploads/2024/06/Rregullore-nr.05.2020-per-Vleresimin-e-Performances-se-Prokuroreve-nr.1010.2020.pdf

Question 080-1

Albania

(2023): Based on this law, High Prosecutorial Council, has approved Regulation "On the ethical and professional assessment of prosecutors", with Decision no. 95, dated 09.05.2022 and the Regulation “On the ethical and professional assessment of heads of prosecution offices of general jurisdiction", adopted with Decision 380, dated 30.11.2023. In these sublegal acts are detailed criteria regarding ethical and professional assessment of prosecutors in first and second instance of general jurisdiction and heads of these offices

(2022): The criteria for the quality assessment of the public prosecutor’s work are set by the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, as amended, and Regulation "On the ethical and professional assessment of prosecutors", approved by Decision no. 95, dated 09.05.2022, of High Prosecutorial Council

(2021): The criteria for the quality assessment of the public prosecutor’s work are set by the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”.

Bosnia and Herzegovina

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Montenegro

(General Comment): general criteria are set in the Law on State Prosecution, which MoJ drafts

(2024): general criteria are set in the Law on State Prosecution, which MoJ drafts

(2023): general criteria are set in the Law on State Prosecution, which MoJ drafts

North Macedonia

(General Comment): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. EVALUATION CRITERIA from Law on the Public Prosecution office are following: Article 37
The evaluation criteria for the performance of public prosecutors shall be the following:
- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities."

(2024): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. For more, please see the general comment.

(2023): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. For more, please see the general comment.

(2022): Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public
Prosecution office. For more, please see the general comment.

(2020): Criteria for individual assessment of the public prosecutor's work are set in the new Law on Public Prosecution office from 2020 and the new Rulebook for evaluation of the work on the public prosecutor's, which adopt Chief Public Prosecutor of the State Public Prosecution office. Law on Public Prosecution office (2020) - EVALUATION CRITERIA
Article 37
The evaluation criteria for the performance of public prosecutors shall be the following:
- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities.

Serbia
(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Work evaluation procedure
Article 112
The evaluation of the work of the chief public prosecutor and the public prosecutor is carried out by a commission appointed by the High Council of Prosecutors.
The commission is composed of three members, in which public prosecutors of a higher level evaluate the work of the chief public prosecutor and a public prosecutor of a lower level.

Question 081

Albania
(2023): The magistrate is evaluated once every three years, during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience as a magistrate. The head of the prosecutor's office is evaluated at least once during the duration of the mandate as head.

Bosnia and Herzegovina

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of prosecutors.
Prosecutors are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, and analytical quality. The statistical quality of a prosecutor's indictments assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.
The analytical evaluation is evaluated based on the following elements:
a)Fulfilment of statutory requirements in prosecutorial decisions; b)Ability to establish decisive facts for making prosecutorial decisions;
c)Ability to handle complex cases;
d)Expedience in rendering decisions and compliance with statutory deadlines;
e)Ability to organize and efficiently conduct investigations in a proactive manner;
f)Professional quality of decision, demonstrated legal knowledge and use of legal remedies

Montenegro

(General Comment): Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.
State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.
Rulebook on orientation criteria for determining the required number of judges and other court officers adopts Ministry of Justice on the proposal of the Judicial Council

North Macedonia

(General Comment): Article 36
The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.
If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.
The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia.
If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.
The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia.
The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public prosecutor of that prosecutor's office.
The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the basic public prosecutor of that prosecutor's office.
The evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office.
The evaluation of the performance of the public prosecutor may be positive or negative.

(2024): The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years. For more explanations please, see the general comment.

(2023): The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years. For more explanations please, see the general comment.

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The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the basic public prosecutor of that prosecutor’s office.
The evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor’s office.
The evaluation of the performance of the public prosecutor may be positive or negative.

Serbia
(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)The period for which work is evaluated
Article 110
The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.

(2023): The work of the chief public prosecutor and public prosecutor is regularly evaluated once every three years.
Exceptionally, based on the decision of the High Council of Prosecutions, the work of the chief public prosecutor and the public prosecutor can be evaluated on an extraordinary basis.

(2022): The work of the deputy public prosecutor who was elected for the first time is evaluated once a year
counting from the date of entry into the position of public prosecutor.
The work of the public prosecutor and the deputy public prosecutor on a permanent basis is regularly evaluated once in three years.
The work of public prosecutors and deputy public prosecutors can be based on the decision of the State Prosecutorial Council assess the prosecutors in an extraordinary manner.

Kosovo*

(General Comment): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of prosecutors within each prosecution office, as the first group who will be subject to performance evaluation within three (3) months. The same draw is held after one (1) year with the aim to appoint prosecutors who will take part in the second group and the third group after two (2) years, respectively.

(2024): The evaluation of performance and work of prosecutors is regulated by law and regulations. Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.
Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate are evaluated by the committee every 3 years.
In addition prosecutors may undergo extraordinary evaluation of performance on the basis of a Council decision at the request of the chief state prosecutor or the respective chief prosecutor in one or more specific instances, if: 1. Reliable information calls into question the professionalism, ability and/or judgement of the prosecutor; 2. The prosecutor during the performance assessment by the supervisor is assessed at an insufficient level.

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(2021): The evaluation of performance and work of prosecutors is regulated by law and regulations. Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.
Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate are evaluated by the committee every 3 years.

Question 082-0

Albania
(2024): The HJC has approved a strategic 2 year plan, including the IT strategy. The strategic plan can be accessed only in albanian: https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf

(2023): https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf

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Bosnia and Herzegovina
(2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has formed a working group for drafting a medium-term strategy for the development and implementation of information technologies in the judiciary.

(2021): Preparatory activities for the development of the strategy are ongoing.

(2020): Director of the Secretariat at the HJPC was given a mandate from the HJPC to provide the preconditions for drafting a new strategy.

Montenegro

(2024): Currently document only in Montenegrin

(2022): https://www.gov.me/dokumenta/7af1b58d-a6aa-4e62-8de2-75979dd42d0c
Judicial Council remark: This plan's main activity is building the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin, "Informacioni Sistem Pravosuđa"). Due to the delays and problems with the company selected on the tender to build the system, we have decided to cancel the contract with them and search for other options. We were forced on this because they failed to deliver parts of the system and documentation on time, even after many prolongations and compromises from our side.

(2021): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosua). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 2023 (migration of data and training of users are last phases that would go in parallel). We have some delays on the project, due to problems we have with the company we got on the tender, because they fail to deliver parts of the system and documentation on time.

(2020): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosuđa). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 2022 (migration of data and training of users are last phases that would go in parallel). We have some delays on the project, due to problems we have with the company we got on the tender, because they fail to deliver parts of the system and documentation on time.

North Macedonia

(2024): The last ICT Strategy for judiciary covered the period 2019-2024, currently the ICT Council at the Ministry of Justice is preparing a new ICT Strategy for judiciary 2025-2030

(2023): The strategy for ICT in the judiciary was adopted in 2019 for the time period of 2019-2024.
The strategy expired in 2024. It is still being implemented, and this year, the Council for ICT in the Judiciary will start a procedure for adopting a new strategy for the next 5 years, as well as new revised operational plan.
At this moment there is no new strategy and no new operational plan.
During 2023, according to the operational plan for digitization in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records, creation of the E-delivery platform, which will establish full two-way communication between the courts and all parties, i.e. state authorities and institutions, development of the platform for a mobile application, which will enable unhindered access of the parties to the electronic file of the case, as well as the creation of web services with 12 state organs and institutions.
According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts in 2023, namely:
1. Upgrade and installation of the Femida True Records system for audio recording in civil courts and audio-video recording in criminal courts.
- upgrade means the installation of Femida True Records or SRS Femida software, based on an existing Femida license installed on a computer in the courts (through previous purchases), regardless of whether it is currently in operation or not;
- a new license implies the installation of Femida True Records or SRS Femida software on an additional number of computers, which are not included in the number of existing licenses in the courts.
2. Procurement and replacement of hardware equipment for the courts – 410 computers.
3. Current maintenance of the hardware and software for the operation of the ACMISS system and the equipment for issuing certificates from criminal records.
4.Upgrade and ongoing maintenance of centralized hardware and system software for centralized backup/restore of the court database.
5. Restoration of Kaspersky Anti-virus and Trend Micro inter Scan messaging for personal computer protection in the court system and Gateway virus protection in the Supreme Court of RNM.
6. Ongoing maintenance of software for recording events by collating logs from ICT devices located in the Supreme Court of the RNM.
Creation of a mobile application for access to the electronic file of the case - a service for reviewing the files in the case by the parties in the procedure. Service for a complete review of a court case by the parties in the case (prosecutors, lawyers and all involved parties, natural and legal persons). Web Portal and mobile application through which each of the parties after prior authentication (service for identification of persons at the MIOA state level) can view all data and acts in the case that are available to the parties. DETAILED DESCRIPTION OF THE SERVICE AND BASIC FEATURES
Possibility for reviewing of all data and documents from the court case for the participants in the case from the court web portal and mobile application.

(2022): The strategy for ICT in the judiciary was adopted in 2019 for the time period of 2019-2024.
Digitization, digital transformation and the increasing development of information technology inevitably led to it being integrated in all the pores of the justice system, and especially in the last 2 years, through digital transformation in all courts and public prosecutor's offices by developing new web pages for the courts, with hardware and software for audio recording, system for audio visual recording, electronic issuance of documents, creation of web services, software development and case management, as well as platforms for two-way communication between the courts and the parties and access to the electronic file of the case.
Given that the strategy has a time period until 2024, it is still being implemented, and this year, the Council for ICT in the Judiciary will start a procedure for adopting a new strategy for the next 5 years, as well as new revised operational plan.
At this moment there is no new strategy and no new operational plan.

Serbia

(General Comment): IT strategy was adopted by ICT Sectorial Council on February 4th 2022.
The document in English will be provided later.

(2024): No official English version has been prepared.

(2023): No official English version has been prepared.

(2022): ICT Strategy in Judiciary 2022-2027 with Action Plan. Not available in English

(2021): IT strategy was adopted by ICT Sectorial Council on February 4th 2022.
The document in English will be provided later.

(2020): IT Development Guidelines in Justice Sector are in force (available in English at the following link:https://www.mpravde.gov.rs/files/IT%20Development%20Guidelines%20in%20Justice%20Sector_ENG.pdf) . The procedure for awarding contracts for drafting an IT strategy based on public procurement is underway.

Kosovo*

(2024): ICT Strategic Plan of the Kosovo Judicial Council 2024 – 2029
chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.gjyqesori-rks.org/wp-content/uploads/reports/13969_KJC_IT_Strategic_Plan_of_the_Kosovo_Judicial_Council_2024_2029.pdf

(2023): https://www.gjyqesori-rks.org/wp-content/uploads/reports/13969_KJC_IT_Strategic_Plan_of_the_Kosovo_Judicial_Council_2024_2029.pdf

(2021): For 2021 there was no specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.

(2020): There has been an IT strategy 2012-2017. For now, there is not specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.

Question 082

Albania

(2022): Regarding the option "centralized or interoperable database" the answer changed from "yes" to "no", tbecause during 2022, due to cyber-attacks in Albania, some institutions such as the Civil Status Office and the National Business Center have disconnected interoperability with the case management system.
The status of integration with statistical tool changed from "integrated" to "not connected" because HJC has approved new statistical formats which have not yet been integrated with the case management system. These integrations are expected to end with the finalization of the new judicial map.

Bosnia and Herzegovina

(2022): Correction of technical mistake: The reply from the previous reporting cycles regarding the status of criminal case online should be changed from "Accessible to parties" to "Not accessible at all".

North Macedonia

(2021): The CMS has an integrated data generator that provides data on received, resolved or unresolved cases brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

Serbia

(2023): There are several ICT systems. The most represented is the AVP which is used in basic, higher, and commercial courts. This system is decentralized, and it has been in use for more than 10 years for the time being. On the other hand, CMS used by appellate courts, Administrative court and Supreme Court is called SAPS, and it is relatively newly developed. Also, misdemeanor courts are provided with SIPRES newest developed CMS.
The strategic act has foreseen rollout of SAPS called SUPER SAPS to replace old AVP in basic, higher, and commercial courts. It is important to emphasize that there are other applications for electronic communication with the courts such as eCOURT for administrative disputes, and eCOURT for enforcement proceedings before the commercial courts and enforcement agents. Public prosecutorial offices are using SAPO CMS.

(2022): In civil and commercial cases, parties can see the status of case online.
CMS is fully integrated in sense that it uses data from cases from court DMS via web services to generate predefined and ad hoc reports.

(2020): (Software used for registering judicial proceedings and
their management)

Kosovo*

(2022): In the KJC web portal, on September 2022 are deployed two web applications; the Case Tracking Mechanism (CTM) and Open Data Platfor, (ODP). In the CTM, parties can follow their case status data, while in the OPD are available all statistical reports of the CMIS.

Question 082-1

Albania

(2024): Thanks to the developments occurred in the field of Information Technology, for more than 15 years from now, services offered by courts are easily accessible online by citizens, media representatives, as well as other civil society actors. Since 2005, two different electronic case management systems have been operating in the Albanian courts (ARKIT and ICMIS). Currently it turns out that out of 20 courts in the Albanian territory, 18 of them are using the ICMIS system, 2 of them using the ARKIT system. While, only two courts, respectively Tirana Judicial District Court and the Special Court of First Instance for Corruption and Organized Crime are using the ARKIT system

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(2022): THE ARKIT system has been used since 2002, and the ICMIS system has been used since 2007.

Bosnia and Herzegovina

(2024): CMS/TCMS v1 was developed more than 10 years ago, CMS/TCMS v2 was developed between 5 and 10 years ago, CMS/TCMS v3 was developed between 2 and 5 years ago.

(2023): CMS/TCMS v1 was developed more than 10 years ago, CMS/TCMS v2 was developed between 5 and 10 years ago, CMS/TCMS v3 was developed in the last 2 years.

(2022): Currently there are two running versions of the Case Management System in the judicial system of Bosnia and Herzegovina: -CMS v1 was developed more than 10 years ago,
-CMS v2 was developed between 2 and 5 years ago.
Both versions are used on the same database.

(2021): Currently there are two running versions of the CMS : - CMS v1 was developed more than 10 years ago,
- CMS v2 was developed between 2 and 5 years ago.
Both versions are used on the same database.

(2020): Currently there are two running versions of the CMS : - CMS v1 developed more than 10 years ago,
- CMS v2 developed between 2 and 5 years ago.
Both versions are used on the same database.

Serbia

(2024): CMS for basics, higher, and commercial courts 2010.
CMS for misdemeanor court 2015
CMS for appellate, administrative and supreme court 2013

(2023): CMS for basics, higher, and commercial courts 2010.
CMS for misdemeanor court 2015
CMS for appellate, administrative and supreme court 2013

(2021): Firstly, AVP System was implemented in commercial courts in 2010.

Kosovo*

(2020): It has just recently been developed.

Question 082-2

Albania

(2024): Preliminary steps (Governance structure setup, Preliminary decisions, Decision on migration of data from existing systems, etc);
Phase 1 (case handling, statistics, decisions);
Phase 2 (e-filing etc. for criminal cases);
Phase 3 (e-filing etc. for civil and admin. cases);
Legislation;
System support, operation and maintenance;
Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitization of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

(2023): timeline including when the new system is expected to become operational:
Preliminary steps (Governance structure setup, Preliminary decisions, Decision on migration of data from existing systems, etc);
Phase 1 (case handling, statistics, decisions);
Phase 2 (e-filing etc. for criminal cases);
Phase 3 (e-filing etc. for civil and admin. cases);
Legislation;
System support, operation and maintenance;
Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitization of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

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Phase 2 (e-filing etc. for criminal cases);
Phase 3 (e-filing etc. for civil and admin. cases);
Legislation;
System support, operation and maintenance;
Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitisation of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

(2020): The current CMS presents a number of shortfalls and the latest study conducted by HJC concludes on the necessity to develop e new system. Because of the substantive financial efforts it requires, in 2020 HJC commissioned a total of 84 upgrades to the system which functionalities have improved since, but still a new system is envisaged. Its development depends primarily on the securing of financial support.

Bosnia and Herzegovina

(2024): It is planned to completely shut down CMS/TCMS v1 and CMS/TCMS v2 during 2025.

(2023): CMS/TCMS v3 is based on a new WEB technologies and has been tested in 7 judiciary institutions from September to December 2023. The full-scale implementation will take place in 2024.

(2022): The new version of the Case Management System (version 3.0) will be tested in several courts and prosecutors' offices during 2023. It is based on new WEB technologies. The full-scale implementation of the new version of the Case Management System will take place in 2024.

(2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia and Herzegovina, will be implemented during 2021.

Montenegro

(2024): We are improving the existing case management system by cleaning up existing data, adding new automated reports for court users, and introducing additional metadata about processes and phases. This helps us track quality and increase transparency across the judiciary.
Internally, we have developed a new module for handling misdemeanour cases. This module went live on 9 January 2025, and training sessions for staff in the respective courts began on the same date. Currently, the Higher Misdemeanour Court and the Misdemeanour Court in Budva (including branch offices in Bar and Ulcinj) have gone live with the new system. We plan to continue the rollout on a week-by-week basis to other branch offices in the south (under Budva's jurisdiction), followed by the northern region (Bijelo Polje and its branch offices), and ultimately the central region, aiming for full coverage of all Misdemeanour Courts. The functionality for random case assignment is already operational in courts where the new system is active.
We are encountering several challenges: limited staffing (only two ICT staff members within the Secretariat of the Judicial Council are responsible for user training across the entire country, encompassing 17 Misdemeanour Courts), no approved budget yet for additional engagement of external trainers or staff, outdated hardware in some courts, and a shortfall in administrative personnel that delays certain processes. Despite these obstacles, the rollout is ongoing, and we expect further improvements in efficiency and user adoption as the system continues to be implemented throughout the judiciary.
After achieving full coverage, we plan to update the entire system to the latest version of our technology stack. Additionally, due to staffing shortages in many courts, it remains difficult to collect and process historical (cause they need to collect around 50.000 data for cases) data for unresolved cases as of 1 January 2025. Once these data are gathered, however, we will be able to provide automated reporting functionality for Misdemeanour Courts—similar to the level already in place for regular courts.

(2023): Update of current system planned in 2024. Significant changes to the current IT system in the judiciary are planned with the implementation of PRIS version 2. This update will feature cleansed data, enhanced reporting capabilities, and the integration of misdemeanor courts. The new system is expected to become operational by the first quarter of 2025 at the latest.

(2021): The development of the system is in progress, the adoption of the software development phase is expected by the end of the first quarter. Full implementation of the judicial IT system is planned in the new ICT Justice Development Program 2021-2023. for the fourth quarter of 2022. However, it is quite realistic that the full implementation of the CMS system with user training will be completed by the end of 2023.

(2020): The development of the system is in progress, the adoption of the phase of realization of the development of the system is expected in the next month. The full implementation of the judicial IT System is planned in the new ICT Judiciary Development Program 2021-2023 for the fourth quarter of 2022.

North Macedonia

(2024): Within the framework of the prosecution office, a project for a completely new CMS has been launched. In this regard, multi-layered in-depth investigations have been carried out in the field and an analysis of the functioning and functionality of the existing system has been made. It has been concluded that it is outdated and cannot be upgraded, but a completely new system is needed that will satisfy modern communication flows with other state bodies as well as the court, and will enable both a rapid flow of information and the purposeful preservation of data as a Register and meta data from each criminal case separately, regardless of which Register the case is entered into, with the possibility of horizontal and vertical movement of the case. Given that it is a joint project of the state and the EU, supported by the EU Rule of Law Mission, it has an international character and a short listing has been prepared for companies that would participate in the procedure, with an announcement for international companies to be able to participate in it. It is expected to be used in production in 2027.
01.07.2027 Acceptance
01.11.2027 Maintenance under contract
01.12.2028 Approval of the final report
01.09.2027 Second year of the warranty
01.09.2028 Final acceptance
01.11.2027 Second year of the warranty
01.11.2028 Third year of the warranty

(2023): During 2023, according to the operational plan for digitization in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records, creation of the E-delivery platform, which will establish full two-way communication between the courts and all parties, i.e. state authorities and institutions, development of the platform for a mobile application, which will enable unhindered access of the parties to the electronic file of the case, as well as the creation of web services with 12 state organs and institutions.
According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts

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According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts in 2023, namely:
1. Upgrade and installation of the Femida True Records system for audio recording in civil courts and audio-video recording in criminal courts.
- upgrade means the installation of Femida True Records or SRS Femida software, based on an existing Femida license installed on a computer in the courts (through previous purchases), regardless of whether it is currently in operation or not;
- a new license implies the installation of Femida True Records or SRS Femida software on an additional number of computers, which are not included in the number of existing licenses in the courts.
2. Procurement and replacement of hardware equipment for the courts – 410 computers.
3. Current maintenance of the hardware and software for the operation of the ACMISS system and the equipment for issuing certificates from criminal records.
4.Upgrade and ongoing maintenance of centralized hardware and system software for centralized backup/restore of the court database.
5. Restoration of Kaspersky Anti-virus and Trend Micro inter Scan messaging for personal computer protection in the court system and Gateway virus protection in the Supreme Court of RNM.
6. Ongoing maintenance of software for recording events by collating logs from ICT devices located in the Supreme Court of the RNM.
Creation of a mobile application for access to the electronic file of the case - a service for reviewing the files in the case by the parties in the procedure. Service for a complete review of a court case by the parties in the case (prosecutors, lawyers and all involved parties, natural and legal persons). Web Portal and mobile application through which each of the parties after prior authentication (service for identification of persons at the MIOA state level) can view all data and acts in the case that are available to the parties. DETAILED DESCRIPTION OF THE SERVICE AND BASIC FEATURES
Possibility for reviewing of all data and documents from the court case for the participants in the case from the court web portal and mobile application.
Availability of the service:
- Computer, laptop - view via browser
- Mobile devices (phone) – separate mobile application.
The service will provide the following subject data:

(2021): PLANNED ACTIVITIES FOR DIGITALIZATION OF THE JUDICIARY
Introduction of the concept of online trials and digitalization in the existing legal framework Amendments to the Law on Civil Procedure
Amendments to the Law on Criminal Procedure
Amendments to the Law on Justice for Children
Amendments to the Law on Administrative Disputes
Amendments to the Court Rules of Procedure
Providing hardware equipment for the courts
Analysis of existing equipment and determination of needs Defining performance for required equipment Procurement of equipment
Introduction of a platform for promoting transparency in 5 pilot courts Preparation of a specification for the performance of the platform
Installation of the platform in 5 pilot courts - Basic Court Skopje 1 Skopje, Basic Court Skopje 2 Skopje, Basic Court Stip, Basic Court Kavadarci and Basic Court Strumica
Provision of equipment for audio-visual recording and remote trial Analysis of the use of advanced electronic tools in the courts
Analysis of the use of advanced electronic tools in the courts
Preparation of an overview of the number of courtrooms that will be equipped
Defining the type of required audio-visual equipment
Procurement and installation of equipment in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution
Introduction of a remote trial platform and a medium for recording and storing audio-visual recordings
Analysis of the use of advanced electronic tools in the courts
Making a specification for the performances of the platform
Procurement and availability of the platform in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution
Introduction of a platform for two-way electronic communication for interoperability (E-delivery)
Making a specification for the performance of the platform
Procurement and installation of the platform
Introduction of a platform for issuing electronic documents (certificates, confirmations etc.) Software performance analysis
Software development
Amendments to the Court Rules of Procedure
Rulebook for using the platform

(2020): The process on upgrading of the existing system or introducing on a new case management system in the judiciary is on the beginning. First step will be preparation on assessment on the functionality of the existing system, after what it will be decided about upgrade of the existing system or introducing on a completely new CMS.

Serbia

(2024): According to the project plan financed by the EU - Supply of IT Equipment, Software and Ancillary Services for Improvement of Centralized Case Management System (CCMS) in Courts (Tender reference number NEAR/BEG/2021/EA-OP/0003) during 2025, the new system Super SAPS to be in production (to replace old AVP in basic, higher and commercial courts).

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(2022): The implementation of the new centralized CMS is underway, it is planned to be completed by the end of 2024. Funds for the project were provided from IPA 2017 and the tender was conducted by the Delegation of the European Union in Serbia.

(2021): Project of implementation of new modern centralized case management system started in September 2021, currently (March 2022) it is in inception phase.

(2020): Tender for contract for implementation of a Centralized Case Management System (CCMS) for the Serbian courts of general jurisdiction, Administrative court/s and commercial courts is available at https://etendering.ted.europa.eu/cft/cft-display.html?cftId=7703 .
The scope of the contract covers the necessary hardware and software infrastructure, software solution, training, maintenance and support to migrate from and replace two software systems currently in use in the Judiciary.
Planned contract length is 36 months but more detailed timeline will be part of the offer.
After contract award timeline will be part of project implementation plan.

Question 082-1-0

Albania

(2024): The Case Management Systems with which the Albanian courts operate are CMIS and ARKIT.
A broad consensus has been achieved in the Albanian judiciary about the need to replace both existing case management systems used by Albanian courts (ARK-IT and ICMIS, with their variants and their 2 and 36 local installations respectively) with a single new generation, state-of-the-art system.
The Centre for the IT in the Judiciary of Albania has adopted in December 2021, upon proposal of the High Judicial Council (HJC), a Road Map for the development of the new Albanian Court Case Management System. Among these, the relevant decisions of the Information Technology Centre in the High Judicial Council were approved in order to start work on the development of a new Court Case Management System. However, it's obvious that the systems used in the Albanian courts are almost obsolete despite frequent updates with new features. Additionally, each of the courts have their own servers installed locally which are not unified. The internal network architecture across the courts is specific to each court and is not standardized and unified yet. The renewal of the licenses of the various software components used by the courts is managed by each court in particular. This also applies to security programs that must be used on each of the court servers.
In terms of security, the case management system operates offline and can only be accessed locally by court users. Each court through the institutions of the IT is responsible for guaranteeing security and implementing policies that protect the system from possible threats.

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Bosnia and Herzegovina

(2024): Currently there are 3 CMS/TCMS versions in use: CMS/TCMS v3 which is implemented during 2024 and is in use in all judiciary institutions except the Court of Bosnia and Herzegovina and the Municipal Court in Sarajevo (implementation planned for January 2025); CMS/TCMS v2 which is still used only in the Court of Bosnia and Herzegovina and the Municipal Court in Sarajevo; CMS/TCMS v1 which is still used in all judiciary institutions for a few administrative functionalities and for some of the reports.

(2023): Currently there are 3 CMS (courts)/TCMS (prosecutor's offices) versions in use: CMS/TCMS v1 that is used in all judiciary institutions for majority of functionalities, CMS/TCMS v2 used in all judiciary institutions for a few functionalities and CMS/TCMS v3 which is implemented in 7 pilot institutions, as it was planned.

Serbia

(2024): There are several ICT systems. The most represented is the AVP which is used in basic, higher, and commercial courts. This system is decentralized, and it has been in use for more than 10 years for the time being. On the other hand, CMS used by appellate courts, Administrative court and Supreme Court is called SAPS, and it is relatively newly developed. Also, misdemeanor courts are provided with SIPRES newest developed CMS.
The strategic act has foreseen rollout of SAPS called SUPER SAPS to replace old AVP in basic, higher, and commercial courts. It is important to emphasize that there are other applications for electronic communication with the courts such as eCOURT for administrative disputes, and eCOURT for enforcement proceedings before the commercial courts and enforcement agents. Public prosecutorial offices are using SAPO CMS.

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Question 084-2

Bosnia and Herzegovina

(General Comment): The database includes links between a final ruling in a case and the decisions of lower instance courts, appealed by the parties in the procedings

(2024): Other special functionality: The database includes links between a final ruling in a case and the decisions of lower instance courts, appealed by the parties in the proceedings.

(2023): The database contains links between the final decision and the decisions of the lower courts in the same case.

Serbia

(2024): The Judicial Academy has developed a system called eCase which contains a database of European court for human rights decisions in Serbian and other languages.The Judicial Academy has developed a system called eCase which contains a database of European court for human rights decisions in Serbian and other languages.
All the above mentioned decisions are available for free. Also, the Judicial Academy developed Cross reference system that provides a database of links to articles of domestic laws and articles of the European Convention. And last but not least, the Judicial Academy developed eLearning platform for trainings and eLibrary with training documents, publications and international contracts base.

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Question 084

Albania
(2020): Please note that data are anonymized only for first and second instance courts. The High court still publishes its decisions without anonymizing the data

Kosovo*
(2022): All data and judgments have been entered into the system in the Criminal Evidence Database where they are within the SKJK

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Question 085

Albania

(2020): The website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is used by the majority of the Courts and ARKIT which is used only in Tirana District Court and Former Serious Crimes Court.

Bosnia and Herzegovina

(2021): Central database of court decisions is developed and maintained by HJPC's Judicial Documentation and Training Department – former Judicial Documentation Centre. In 2021, the HJPC decided to open this database for public free of charge and without registration. The Council of Ministers of BiH made decision to abolish the annual fee of 50 EUR, so the database is made available to the public free of charge as of 5 March 2021. The HJPC BiH has also issued a new anonymization instruction in order to make database more user friendly. According to this instruction, more information in court decisions are available, i.e. data on all state officials mentioned in the decisions, data on public enterprises and institutions, name and surname of the convicted persons in high- profile cases (war crime cases, organised crime and corruption cases, terrorism cases etc). This is an advancement comparing to the former rule where all data were anonymized (total anonymization). In this way, the HJPC has made an effort to make balance between public and private interest. Also, according to the new instruction, all final decisions in this type of cases are published through the central database, which is new practice compared to previous rule, according to which only decisions selected and provided by the courts of highest instance were published (Appellate Court of Brcko District, Court of BiH – Appellate Division, Supreme Court of BiH Federation and Supreme Court of Republika Srpska).
Also, in 2021, the HJPC secured funding for development of case-law database of the aforementioned courts of highest instance (e-Sentence), through which not only legal positions taken by these courts will be made available, but also the related court decisions, anonymised as well. This database will enable judges to get acquainted with the relevant legal positions and compare those with their cases when rendering new decisions. E-Sentence database was launched in November 2021, and will be publically available as of 1 February 2022, also free of charge. With all this, the HJPC is making an effort to ensure greater transparency and facilitate access to court decisions, as well as to enable judges and prosecutors in BiH to be more consistent in their decision-making and thus ensure a more harmonised case law.

(2020): Central database of court decisions is available at the web site www.pravosudje.ba/csd. It contains decisions selected by highest courts of Bosnia and Herzegovina in all three areas (civil, criminal and administrative). Database is searchable by case number, date of the decision, court that issued the decision, legal field, legal term, legal category, but also through free text search. Selected decisions are aligned with lower court decisions brought in the same case, anonymized and available for the members of the judiciary - judges, prosecutors and all judicial staff free of charge. Other users must pay annual fee to access the database - i. e. 50 Euro). In September 2020 HJPC adopted a decision making the database free of charge for all users; the above mentioned decision is pending confirmation by the Council of Ministers of Bosnia and Herzegovina. Some decisions in database are aligned with decisions of the Constitutional Court of Bosnia and Herzegovina. The alignment of decision in database with ECHR case law is not in place, but detailed reports on ECHR case law are available through the aforementioned web site www.pravosudje.ba/csd and this aspect of the database is subject of constant improvement through IPA 2017 (information from European highest courts and ECTHR Network). Through the same project, HJPC initiated development of the database with court stances in cooperation with highest courts (E-sentence). This database will enable highest courts to record their case law in line with pre-defined descriptors (legal terms). Besides, this database should enable identification of diverse case law between highest court, and move forward the process of harmonisation of the case law at the state level (Case law harmonisation panels).
Note for Data anonymised: there was a technical mistake in the previous reporting cycle, in order to correct this the reply "No" should be changed to "Yes" for 2019.

(2019): Court decisions database is available online through the HJPC Judicial Documentation Centre's web site www.pravosudje.ba/csd. It contains court decisions selected by highest courts in all three areas (civil, criminal and administrative) and is searchable by different parameters: case number, court that issued the decision, legal field, legal term, applied institute, but also through free text search. At the moment, the selected decisions are: aligned with lower court decisions brought in the same case, anonymized and available on-line (for the members of the judiciary - judges, prosecutors and all judicial staff free of charge, and the rest of the public must pay annual fee to access the database - i. e. 50 Euro). Some decisions from database are also aligned with decisions of the Constitutional Court of BiH. The alignment of this database with ECHR case law is not in place. Various detailed reports on ECHR case law is available through JDC web site , and is subject of improvement through IPA 2017 (information from European highest courts with ECTHR Network).

Montenegro

(2023): misdemeanour cases are not part of this

Serbia

(2022): Since 2021 there was a migration of data (decisions) from Administrative Court portal to centralized data base. Therefore centralized national database of court decisions does not include all judgements

(2020): We don't have 3rd instance for administrative courts so the answer is no and it should be NAP.

Question 085-1

Serbia

(2024): The Oracle BI platform enables the creation of performance indicators (CPI) according to various criteria, the monitoring of implementation, and the generation of reports on the fulfillment of various indicators.
The system enables centralized reporting on various aspects of work of court of general and special jurisdiction, monitoring of statistics, trends, key performance indicators, (CPI), and visualization and analysis of operational data. The solution has implemented a logic that generates alarms (CPI) when the defined deadlines for court action are exceeded and in a way that implies that the identified deadlines that generate alarms are mapped into the existing AVP and SAPS applications.
The system started operating in 2018 with the posting of expanded T1 annual, six-monthly, quarterly and monthly reports on the work of the basic, higher and appellate courts, where the formulas were not checked nor was a comparison made of the expanded T1 reports submitted by the courts to the Supreme Court of Cassation.
In the meantime, the set of reports has been expanded with reports that are based on the so-called "extended" T1 report or on reports that can be obtained by mapping data from the AVP, SAPS, and SIPRES case management systems, about the previously defined volume of data that is downloaded (from The AVP system downloads about 40 tables per court, based on which reports are generated).
All reports that have been established are based primarily on the number of cases, as well as on calculations according to the formulas used by the Supreme Court in its reporting system (the extended T1 form has several columns more than the official T1 form defined by the Rules of Court). The downloading of data on acting judges is compromised by the lack of timeliness of the courts in entering the working days of judges, which leads to incorrect calculations of average values per judge. This issue has been raised several times, and now the number of courts that count the number of working days concerning the annual schedule of judges has been reduced to a very small number, however, this disturbs the general calculation on the system (if only one commercial court does not enter up-to-date working days, comprehensive the report of all commercial courts, in the part that refers to the total number of judges who acted in a certain matter during the period, there can be no reliable data).
In relation to the types of courts, the system contains data on the work of appellate, higher, and basic courts, i.e. all courts of general jurisdiction and administrative, commercial, and misdemeanor courts, which makes the entire network of courts of special jurisdiction. Here it is necessary to point out that for misdemeanor courts, data is downloaded from already prepared work reports (for reports according to the rules of procedure), which is completely different from the method of data download for other courts, where a much larger volume of data is downloaded and calculations are performed directly within the BI system. This has the effect that, if an error occurs in the SIPRES system during the calculation, that error will be transmitted to the CS system as well.
In addition to the reports that are prepared and submitted to the Supreme Court, the Supreme Court, and the Ministry of Justice, the system also creates a certain number of reports "on the day of the request" according to the Rules of Procedure. These reports are not defined by the Rules of Court, but they are significant due to the monitoring of trends in the number of received or resolved cases in a certain matter.
The following reports of form T1 or derived from it have been established on the Central Statistics portal:
- annual, semi-annual, quarterly, and monthly extended T1 performance reports foro basic courts o higher courts o appellate courts o commercial courts and the Commercial Court of Appeal o Administrative Court o misdemeanor courts.

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- annual, semi-annual, quarterly, and monthly extended T1 performance reports for
o basic courts

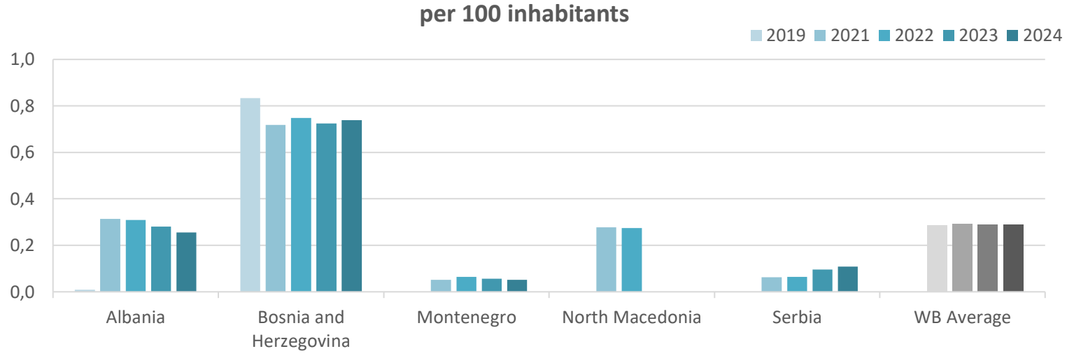
4. Access to justice - Overview

Legal Aid

Total number of cases per 100 inhabitants in which legal aid was granted from 2019 to 2024 (Table 4.3.2)

Beneficiaries	Number of cases for which legal aid was granted per 100 inhabitants				
	2019	2021	2022	2023	2024
Albania	0,01	0,31	0,31	0,28	0,26
Bosnia and Herzegovina	0,83	0,72	0,75	0,72	0,74
Montenegro	NA	0,05	0,06	0,06	0,05
North Macedonia	NA	0,28	0,27	NA	NA
Serbia	NA	0,06	0,06	0,10	0,11
Kosovo*	0,31	0,26	0,34	NA	0,50
WB Average	-	0,28	0,29	0,29	0,29

Figure 4.1 Number of cases for which legal aid was granted per 100 inhabitants



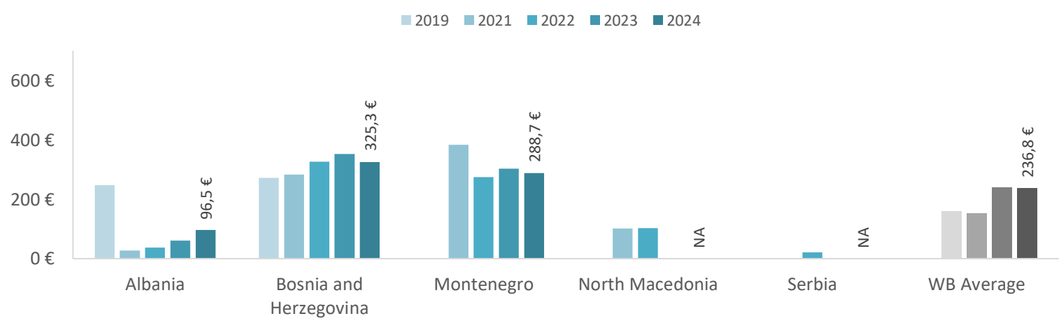
North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Bosnia and Herzegovina includes mandatory representation in court as in the legal aid cases, while the other countries do not.

Average amount per case for which legal aid was granted from 2019 to 2024 (Table 4.3.3)

Beneficiaries	Average amount per case for which legal aid was granted				
	2019	2021	2022	2023	2024
Albania	248,0 €	28,0 €	36,7 €	60,4 €	96,5 €
Bosnia and Herzegovina	272,4 €	283,4 €	326,8 €	351,9 €	325,3 €
Montenegro	NA	383,3 €	274,7 €	302,5 €	288,7 €
North Macedonia	NA	101,6 €	103,3 €	NA	NA
Serbia	NA	0,7 €	21,0 €	NA	NA
Kosovo*	382,7 €	366,8 €	278,2 €	NA	316,0 €
WB Average	-	159,4 €	152,5 €	238,2 €	236,8 €

Figure 4.2 Average amount per case for which legal aid was granted (€)



In **Serbia** and **Kosovo**, it is not possible to calculate the amount per case and per recipient because the budget for legal aid includes mandatory representation in court while the number of cases and recipients does not.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

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4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid in 2024 (Q12, Q13-1 and Q13-2)

Beneficiaries	Approved budget for legal aid in 2024									Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases				
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Coverage of court fees	Exemption from court fees
Albania	736 525 €	145 695 €	590 830 €	NA	NA	NA	NA	NA	NA		
Bosnia and Herzegovina	NA	NA	NA	NA	NA	NA	NA	NA	NA		
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA	NA		
North Macedonia	361 192 €	NA	NA	NA	NA	NAP	NA	NA	NA		
Serbia	16 157 727 €	16 157 727 €	NA	NA	NA	NA	NA	NA	NA		
Kosovo*	2 713 722 €	NA	NA	2 175 891 €	1 566 740 €	609 151 €	537 831 €	NA	NA		
Average	5 751 815 €	-	-	-	-	-	-	-	-		
Median	736 525 €	-	-	-	-	-	-	-	-		
Minimum	361 192 €	-	-	-	-	-	-	-	-		
Maximum	16 157 727 €	-	-	-	-	-	-	-	-		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Albania and **Montenegro** could not separate the cost of mandatory representation in court from the courts' budget, which explains their comparatively lower values for the legal aid budget. **Bosnia and Herzegovina**, **North Macedonia** and **Kosovo** include this cost within the legal aid budget.

Table 4.1.2 Access to justice - Implemented budget for legal aid in 2024 (Q13 and Q13-2)

Beneficiaries	Implemented budget for legal aid in 2024									Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases				
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Coverage of court fees	Exemption from court fees
Albania	681 193 €	145 115 €	536 078 €	NA	NA	NA	NA	NA	NA		
Bosnia and Herzegovina	8 226 146 €	NA	NA	NA	NA	NA	NA	NA	NA		
Montenegro	91 801 €	NA	NA	NAP	NA	NA	NAP	NA	NA		
North Macedonia	367 217 €	366 851 €	366 €	NA	NA	NAP	NA	NA	NA		
Serbia	16 099 453 €	16 099 453 €	NA	NA	NA	NA	NA	NA	NA		
Kosovo*	2 543 287 €	NA	NA	2 067 287 €	1 496 962 €	570 325 €	476 000 €	NA	NA		
Average	5 093 162 €	5 537 140 €	-	-	-	-	-	-	-		
Median	681 193 €	366 851 €	-	-	-	-	-	-	-		
Minimum	91 801 €	145 115 €	-	-	-	-	-	-	-		
Maximum	16 099 453 €	16 099 453 €	-	-	-	-	-	-	-		

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Albania and **Montenegro** could not separate the cost of mandatory representation in court from the courts' budget, which explains their comparatively lower values for the legal aid budget. **Bosnia and Herzegovina**, **North Macedonia** and **Kosovo** include this cost within the legal aid budget.

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2024 and its evolution between 2019 and 2024 (Q1 and Q13)

Beneficiaries	Total implemented budget for legal aid per inhabitant in 2024			Evolution of the total implemented budget for legal aid per inhabitant					
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	2019	2021	2022	2023	2024	Trend 2019 - 2024
Albania	0,25 €	0,05 €	0,19 €	0,02 €	0,09 €	0,11 €	0,17 €	0,25 €	
Bosnia and Herzegovina	2,41 €	NA	NA	2,27 €	2,04 €	2,44 €	2,55 €	2,41 €	
Montenegro	0,15 €	NA	NA	0,33 €	0,20 €	0,18 €	0,17 €	0,15 €	
North Macedonia	0,20 €	0,20 €	0,00 €	0,19 €	0,28 €	0,28 €	0,28 €	0,20 €	
Serbia	2,44 €	2,44 €	NA	NA	0,00 €	0,01 €	1,73 €	2,44 €	
Kosovo*	1,59 €	NA	NA	1,19 €	0,94 €	0,93 €	1,35 €	1,59 €	
Average	1,09 €	0,90 €	-	0,70 €	0,52 €	0,61 €	0,98 €	1,09 €	
Median	0,25 €	0,20 €	-	0,26 €	0,20 €	0,18 €	0,28 €	0,25 €	
Minimum	0,15 €	0,05 €	-	0,02 €	0,00 €	0,01 €	0,17 €	0,15 €	
Maximum	2,44 €	2,44 €	-	2,27 €	2,04 €	2,44 €	2,55 €	2,44 €	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Albania and **Montenegro** could not separate the cost of mandatory representation in court from the courts' budget, which explains their comparatively lower values for the legal aid budget. **Bosnia and Herzegovina**, **North Macedonia** and **Kosovo** include this cost within the legal aid budget.

Serbia: since 2023, mandatory representation in court has been separated from the courts' budget and included under the legal aid budget.

Table 4.1.4 Access to justice - Distribution of the total implemented budget for legal aid (cases brought to court/not brought to court and criminal cases/ othen than criminal cases in 2024 (Q1 and Q13)

Beneficiaries	Distribution of the total implemented budget for legal aid between:		Distribution of the total implemented budget for legal aid between:	
	Cases brought to court	Cases not brought to court	Criminal cases	Other than criminal cases
Albania	21,3%	78,7%	NA	NA
Bosnia and Herzegovina	NA	NA	NA	NA
Montenegro	NA	NA	NAP	NAP
North Macedonia	99,9%	0,1%	NA	NA
Serbia	100,0%	NA	NA	NA
Kosovo*	NA	NA	81%	19%
Average	73,7%	-	-	-
Median	99,9%	-	-	-
Minimum	21,3%	-	-	-
Maximum	100,0%	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2024 (Q86-0-0)

Beneficiaries	Types of legal aid			
	Criminal cases		Other than criminal cases	
	Representation in court	Legal advice, ADR, and other legal services	Representation in court	Legal advice, ADR, and other legal services
Albania				
Bosnia and Herzegovina				
Montenegro				
North Macedonia				
Serbia				
Kosovo*				

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 4.2.2 Organisation of the legal aid system before going to court and during court proceedings in 2024 (Q86-0)

Beneficiaries	Organisation of the legal aid system before going to court and during court proceedings
Albania	a) primary legal aid; b) secondary legal aid; c) exemption from payment of court fees and court expenses, according to the law, and exemption from the obligation to prepay the execution fee of the execution order. Primary legal aid is defined in Article 3 (b) and also Article 3 of Appendix 1 of the Order of the Minister of Justice No 226 dated 25/3/2019 on 'The approval of the contracts of legal aid g comprises • providing of information regarding the legal system and legal acts, • the delivery of counselling, o which "is the delivery of information on the manners and the possibilities o legal matter" (Article 3 (ç)) • the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions, • the delivery of assistance in drafting and establishi put in motion the state administration or o for requesting secondary legal aid • representation before administration bodies, o Secondary legal aid is only provided before (administrative delivery of all other forms of necessary legal support not constituting secondary legal aid. According to Article 3 (c) "Secondary legal aid" is the legal service that is offered for • the compilation of the necessary legal acts for putting in motion the court (i.e. the pre-court phase) counselling, representation and defence before the court in o administrative and o civil and o in criminal cases • for which is not applied the mandatory defence in accordance of the crir
Bosnia and Herzegovina	The courts and the specialized government institutions provide free legal aid to citizens in relation to court proceedings. Free legal aid is provided by the courts in criminal proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law (e.g. obliga courts may make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). In addition, free legal aid centers have been established by the legislation adopted at all levels of governı respective public administration system. Employees of free legal aid institutions represent the citizens in various types of court and non-court proceedings or give legal advice to the citizens and compose legal documents for them. Citizer aid provided by the legal aid institutions if they

Table 4.2.2 Organisation of the legal aid system before going to court and during court proceedings in 2024 (Q86-0)

Beneficiaries	Organisation of the legal aid system before going to court and during court proceedings
Montenegro	Free legal aid implies providing the necessary funds to fully or partially cover the costs of legal advice, drafting letters, representation in court, the State Prosecutor's Office and the Constitutional Court of Montenegro and in out-of-court dispute resolution and enforcement proceedings as well as exemption from payment of court costs. The financial situation of the applicant for free legal aid shall be determined on the basis of his/her income and property and the income and property of his family members, unless otherwise prescribed by this Law. The body responsible for granting free legal aid is the president of the basic court, or the judge authorized by the president, in which territory the applicant has a domicile or residence. Professional and administrative tasks in the process of approving free legal aid, are organized within the Service or Office for free legal aid. The Service provides information and advice to the interested parties on the possibilities and conditions for exercising the right to free legal aid assistance and other issues related to the granting of free legal aid and assistance to the applicant when submitting the application. Free legal aid is provided by lawyers in the order from the list of the Bar Association of Montenegro, which is compiled according to local jurisdiction of the basic courts. The Bar Association shall submit the list to the Service. Free legal aid is not provided in: 1) the procedure before the commercial courts and the procedure for the registration of the form of performing economic activity; 2) proceedings for damages in connection with defamation and insult; 3) the procedure for a lawsuit to reduce the amount of child support in the case when the person who is obliged to pay maintenance has not fulfilled that obligation, unless that obligation was not fulfilled through his fault; 4) enforcement procedure on the basis of an authentic document. The Law on free legal aid prescribes in detail all the conditions which shall be met for exercising the right to free legal aid.

Table 4.2.2 Organisation of the legal aid system before going to court and during court proceedings in 2024 (Q86-0)

Beneficiaries	Organisation of the legal aid system before going to court and during court proceedings
North Macedonia	LAW ON FREE LEGAL AID Article 4 Providers of free legal aid (1)Free legal aid shall be provided under the conditions and in the procedure stipulated in this law. (2)Free legal aid may be provided as preliminary legal aid and secondary legal aid. (3)Preliminary legal aid shall be provided by authorized Ministry staff, an authorized association or a legal clinic (hereinafter: providers). (4)Secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insuranc Macedonia, and persons with public authorizations in accordance with the provisions of this law. (5)The funds for approving free legal aid and the costs of the provided legal aid in the proceedings stipulated in this law shall be provided from the Ministry budget, as well as from dona accordance with the laws. (6)Approved secondary legal aid may be revoked in accordance with the provisions of this law. (7)In cases stipulated herein, the beneficiary shall reimburse the costs of the secondary legal aid, in full or partially. (8)The minister of justice shall prescribe the procedure for providing free legal aid. PRELIMINARY LEGAL AID CHAPTER I GENERAL PROVISIONS Article 5 Right to preliminary legal aid Any natural person with domicile or residence on the territory of the Republic of North Macedonia shall be entitled to preliminary legal aid. Article 6 Scope of preliminary legal aid The scope of preliminary legal aid is the following: -initial legal advice on the right to use free legal aid; -general legal information; -general legal advice; -assistance in completing the secondary legal aid application; -assistance in filling out forms issued by administrative authorities in an administrative procedure for social welfare and protection of children's rights; pension, disability and healthcare i victims of gender based violence and domestic violence; procedure for entry into the birth Register; obtaining personal identification and citizenship documents; -writing complaints to the Anti-Discrimination Commission and to the Ombudsman, as well as petitions to the Constitutional Court of the Republic of North Macedonia for the protection c Article 7 Providing preliminary legal aid

Table 4.2.2 Organisation of the legal aid system before going to court and during court proceedings in 2024 (Q86-0)

Beneficiaries	Organisation of the legal aid system before going to court and during court proceedings
Serbia	-According to the Serbian Constitution (Article 67.), everyone is guaranteed the right to legal aid under the conditions set by law.Legal aid is provided by the legal profession, as an inde legal aid services are established in local self-government units, by the law. The law determines when legal aid is free. When criminal proceedings are conducted for a criminal offense for which a sentence of imprisonment of more than five years may be imposed by law, the court may, at the request of t proxy (from the list of lawyers submitted to the court by the competent bar association) if it is in the interest of the proceedings and if the injured party financial situation, cannot bear the Article 77: A defendant who, due to his financial situation, cannot pay the defense attorney's fee and expenses, will be assigned an attorney at his request if criminal proceedings are co offense punishable by imprisonment for more than three years. In that case, the court's budget bears the defense costs. The Law on Free Legal Aid has been in force since October 1, 2019, except the provisions of Articles 44 to 52, which begin to be applied from the date of accession of the Republic of S Union. The law distinguishes between free legal aid and free legal support. Free legal assistance consists of providing legal advice, drafting submissions, representation and defense, a consists of providing general legal information, filling out forms, drawing up notarial documents and mediation in dispute resolution. Free legal aid in the Republic of Serbia can be provided to a citizen of the Republic of Serbia, a stateless person, a foreign citizen with permanent residence in the Republic of Serbia ar the right to free legal aid according to another law or a confirmed international agreement, and who meets the conditions prescribed by the provision Article 4 of the Law on Free Legal A legal aid submits a request for the approval of free legal aid to the local self-government competent according to the applicant's place of residence or place of residence or the place of in writing or orally on the record or electronically. In the request for free legal assistance, he also states a description of the problem for which he is requesting free legal assistance. If th free legal aid is established, local self-government issues a Decision approving free legal aid within 8 or 3 days (if there is a risk of irreparable damage or if the applicant misses the dea from the submission of the application and the user of free legal aid to the provider of free legal aid who is registered in the Register of

Table 4.2.2 Organisation of the legal aid system before going to court and during court proceedings in 2024 (Q86-0)

Beneficiaries	Organisation of the legal aid system before going to court and during court proceedings
Kosovo*	The Constitution of the Republic of Kosovo defines legal aid as a constitutional category, and Article 31 paragraph 6 defines that "Free legal aid shall be provided to those who do not h resources, if such aid is necessary, to ensure effective access to justice." Free Legal Aid Agency is Executive Agency within the Ministry of Justice, the most important institution in the i in the Republic of Kosovo, responsible for the organization and provision of Free Legal Aid. It exercises its function and responsibility in accordance with Law no. 04/L-017 for Free Lega on Amendment and Supplement to Law No. 04/L-017 on Free Legal Aid and Law No. 08/L-063 for the Amendment and Supplement to the Laws related to the Rationalization and Estab Lines of Independent Agencies. These laws regulate the creation of a functional system for Free Legal Aid in Civil, Criminal, Administrative and Misdemeanor proceedings, through which effective access to justice is e not have sufficient financial means. The number and variety of requests for legal aid beneficiaries indicate the need and sustainability of this institution. Free legal aid - is a right in a free legal professional service for the c determined by Law No. 04 / L-017 on Free Legal Aid: Qualification, Financial and Legal Criteria. Notwithstanding the required criteria, free legal aid is offered to: Sexually raped persons in 1998-1999; Victims of domestic violence; Victim witnesses of violence, who are dependent on victims of domestic violence; Victims of gender-based violence; Victims of any kind of s sexual harassment; Victims of trafficking in human beings; Juvenile victims; Children living in social care institutions; Children under guardianship seeking to initiate proceedings without guardian or against their legal guardian; Persons whose rights have been violated through an act or failure to act that constitutes discrimination, based on the decision of the competent for protection against discrimination; Journalists, independent journalists, photo-reporters, cameramen and editors who for media licensed by the Independent Media Commission (IMC) members at the Press Council of Kosovo (PCK). The procedure for realization of free legal aid shall be initiated with the submission of the application in the nearest legal aid office. (30 offices). Free Legal Aid Agency offers free legal aid through professional legal services, such as: - information - legal counselling - drafting submissions - representing before courts and other authorities

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2024 (Q87, Q88)

Beneficiaries	Income and assets evaluation for granting full or partial legal aid	Full legal aid				Partial legal aid			
		Criminal cases		Other than criminal cases		Criminal cases		Other than criminal cases	
		Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value
Albania		NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina		2 092 €	NA	2 092 €	NA	NAP	NAP	NAP	NAP
Montenegro		NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia		NAP	NAP	4 403 €	NA	NAP	NAP	NAP	NAP
Serbia		4 854 €	NA	4 854 €	NA	NAP	NAP	NAP	NAP
Kosovo*		NA	NA	NA	NA	NA	NA	NA	NA
Average		-	-	3 783 €	-	-	-	-	-
Median		-	-	4 403 €	-	-	-	-	-
Minimum		-	-	2 092 €	-	-	-	-	-
Maximum		-	-	4 854 €	-	-	-	-	-

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 4.2.4 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2024 (Q88-1)

Beneficiaries	Maximum duration prescribed in law/regulation (in days)	Actual average duration (in days)
Albania	5	30
Bosnia and Herzegovina	15	8
Montenegro	15	13
North Macedonia	15	30
Serbia	8	8
Kosovo*	5	3
Average	12	18
Median	15	13
Minimum	5	8
Maximum	15	30

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

4.3 Legal aid - cases and recipients

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2024 (Q86)

Beneficiaries	Number of cases for which legal aid was granted in 2024								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	7 058	838	6 220	480	55	425	6 578	783	5 795
Bosnia and Herzegovina	25 288	8 134	17 154	4 425	4 139	286	20 863	3 995	16 868
Montenegro	318	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Serbia	7 146	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	8 049	4 133	3 916	270	270	0	7 779	3 863	3 916
Average	9 953	-	-	-	-	-	-	-	-
Median	7 102	-	-	-	-	-	-	-	-
Minimum	318	-	-	-	-	-	-	-	-
Maximum	25 288	-	-	-	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Bosnia and Herzegovina includes mandatory representation in court as in the legal aid cases, while the other countries do not.

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2024 (Q1, Q86)

Beneficiaries	Number of cases for which legal aid was granted per 100 inhabitants in 2024								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	0,26	0,03	0,23	0,02	0,002	0,02	0,24	0,03	0,21
Bosnia and Herzegovina	0,74	0,24	0,50	0,13	0,12	0,01	0,61	0,12	0,49
Montenegro	0,05	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Serbia	0,11	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	0,50	0,26	0,24	0,02	0,02	0,00	0,49	0,24	0,24
Average	0,29	-	-	-	-	-	-	-	-
Median	0,18	-	-	-	-	-	-	-	-
Minimum	0,05	-	-	-	-	-	-	-	-
Maximum	0,74	-	-	-	-	-	-	-	-

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Kosovo is not included in the calculation of summary statistics*

Bosnia and Herzegovina includes mandatory representation in court as in the legal aid cases, while the other countries do not.

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2024 (Q13 and Q86)

Beneficiaries	Average amount per case for which legal aid was granted in 2024								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	96,5 €	173,2 €	86,2 €	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	325,3 €	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	288,7 €	NA	NA	NAP	NA	NA	NAP	NA	NA
North Macedonia	NA	NA	NA	NA	NA	NAP	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	316,0 €	NA	NA	7 656,6 €	5 544,3 €	-	61,2 €	NA	NA
Average	236,8 €	-	-	-	-	-	-	-	-
Median	288,7 €	-	-	-	-	-	-	-	-
Minimum	96,5 €	-	-	-	-	-	-	-	-
Maximum	325,3 €	-	-	-	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Bosnia and Herzegovina includes mandatory representation in court as in the legal aid cases, while the other countries do not.

In **Serbia** and **Kosovo**, it is not possible to calculate the amount per case and per recipient because the budget for legal aid includes mandatory representation in court, while the number of cases and recipients do not.

Table 4.3.4 Access to justice - Number of recipients of legal aid in 2024 (Q86-1)

Beneficiaries	Number of recipients of legal aid in 2024								
	Total number of recipients (1+2)			1. Recipients for criminal cases			2. Recipients for other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	7 124	904	6 220	485	60	425	6 639	844	5 795
Bosnia and Herzegovina	26 281	8 714	17 567	4 795	4 509	286	21 486	4 205	17 281
Montenegro	324	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	6 783	1 753	5 030	1 573	1 573	NAP	5 210	180	5 030
Serbia	7 146	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	9 532	3 790	9 606	2 284	2 047	-	11 112	1 743	9 369
Median	7 124	1 753	6 220	1 573	1 573	-	6 639	844	5 795
Minimum	324	904	5 030	485	60	-	5 210	180	5 030
Maximum	26 281	8 714	17 567	4 795	4 509	-	21 486	4 205	17 281

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Bosnia and Herzegovina and **North Macedonia** include mandatory representation in court in the legal aid cases, while the other countries do not.

Table 4.3.5 Access to justice - Number of recipients of legal aid per 100 inhabitants in 2024 (Q86-1)

Beneficiaries	Number of recipients of legal aid per 100 inhabitants in 2024								
	Total number of recipients (1+2)			1. Recipients for criminal cases			2. Recipients for other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	0,26	0,03	0,23	0,02	0,00	0,02	0,24	0,03	0,21
Bosnia and Herzegovina	0,77	0,25	0,51	0,14	0,13	0,01	0,63	0,12	0,51
Montenegro	0,05	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	0,37	0,10	0,28	0,09	0,09	NAP	0,29	0,01	0,28
Serbia	0,11	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	0,31	0,13	0,34	0,08	0,07	-	0,38	0,05	0,33
Median	0,26	0,10	0,28	0,09	0,09	-	0,29	0,03	0,28
Minimum	0,05	0,03	0,23	0,02	0,00	-	0,24	0,01	0,21
Maximum	0,77	0,25	0,51	0,14	0,13	-	0,63	0,12	0,51

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Bosnia and Herzegovina and **North Macedonia** include mandatory representation in court in the legal aid cases, while other countries do not.

Table 4.3.6 Access to justice - Average amount granted per recipient of legal aid in 2024 (Q13 and Q86)

Beneficiaries	Average amount granted per recipient of legal aid in 2024								
	Total number of recipients (1+2)			1. Recipients for criminal cases			2. Recipients for other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	95,6 €	160,5 €	86,2 €	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	313,0 €	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	283,3 €	NA	NA	NAP	NA	NA	NAP	NA	NA
North Macedonia	54,1 €	209,3 €	0,1 €	NA	NA	NAP	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	186,5 €	-	-	-	-	-	-	-	-
Median	189,5 €	-	-	-	-	-	-	-	-
Minimum	54,1 €	-	-	-	-	-	-	-	-
Maximum	313,0 €	-	-	-	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

In **Serbia** and **Kosovo**, it is not possible to calculate the amount per case and per recipient because the budget for legal aid includes mandatory representation in court while the number of cases and recipients do not.

4.4 Favourable arrangements to vulnerable persons

Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism, and victims of domestic violence in 2024 (Q163)

Beneficiaries	Special favourable arrangements for:								
	Victims of sexual violence/rape			Victims of terrorism			Victims of domestic violence		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Albania	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Bosnia and Herzegovina	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes
Montenegro	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
North Macedonia	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2024 (Q163)

Beneficiaries	Special favourable arrangements for:					
	Minors (witnesses or victims)			Juvenile offenders		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Albania						
Bosnia and Herzegovina						
Montenegro						
North Macedonia						
Serbia						
Kosovo*						

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities, and other victims in 2024 (Q163)

Beneficiaries	Special favourable arrangements for:								
	Ethnic minorities			Persons with disabilities			Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									
Kosovo*									

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Indicator 4. Access to justice-legal aid

by country

Question 12. Annual approved public budget allocated to legal aid, in €.
Question 13. Annual implemented public budget allocated to legal aid in €.
Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:
Question 86. Please indicate the number of cases for which legal aid has been granted:
Question 86-0. Please briefly describe the organisation of the legal aid system in your country.
Question 86-0-0. Does legal aid apply to:
Question 86-1. Please indicate the number of recipients of legal aid:
Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?
Question 88. If yes, please specify in the table:
Question 88-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final decision on the legal aid request:

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Albania
Q012 (2024): The legal aid implemented budget has increased by 8.6% compared to the previous year.
Cases brought to the court, we have referred to cases of secondary legal assistance (payment of lawyers, experts who have provided secondary legal services). The rest is considered as providing advice and any other financial commitment in function of the institution's activity. The further increase is related to the fact of the opening of the primary legal aid service provision centers throughout the Republic of Albania and the changes in the legislation on employee salaries.
Q013 (2023): We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.
Q013 (2021): Performance throughout 2021, the first year of full capacity operation of the free legal aid mechanism, has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid and exemption from court fees and costs. We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

Q013 (2020): The above data is referred to the implemented/ allocated budget of Free Legal Aid Directorate for 2020. The difference between allocated budget and implemented budget has come as a result of delays in the recruitment of FLAD staff but also employees of primary legal aid service centers in the districts of the Republic of Albania. Also, another factor is related to the financing procedures of 12 authorized non-profit organizations which provide primary legal aid, a procedure which is expected to start in March 2021.
Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerate number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. (the Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision). Hence, all these activities, were supported by an increased budget.

Q013-2 (General Comment): Persons who have the right to receive secondary legal assistance, according to articles 11 or 12, of this the law, enjoy the right to exemption from:
a) payment of general and special fees, according to the provisions of the law on court fees in the Republic of Albania;
b) payment of court expenses (expenses for witnesses, experts, translators and inspection of items or on-site inspection), according to the provisions of the procedural legislation;
c) the obligation to prepay the fee for the execution of the execution order at the service state judicial enforcement.
1. Exemption from the payment of court fees and court expenses is granted on the basis of a request
which is drawn up according to the request form approved by the Minister of Justice.
2. The request for exemption from the payment of court fees and court expenses may
presented:
a) together with the request for secondary legal assistance;
b) attached to the claim, in accordance with the provisions of the procedural legislation;
c) at any stage of the process, until the judicial investigation is declared closed.
3. In the request for exemption from the payment of court fees and court expenses may exemption from payment of one, some or all court fees and/or costs is requested judicial, according to the provisions of Article 25 of this law.
4. The request for exemption from the payment of court fees and court expenses may presented by the person who enjoys the right to be exempted from paying court fees and court costs, by a legal representative or with a power of attorney, or by the spouse, cohabitant or first degree relative.
5. The request for exemption from the payment of court fees and court expenses may presented in person or through the postal service.
The request for exemption from the payment of court fees and court expenses is submitted to
the competent court for examining the case in substance.
2. The court examines the request in accordance with the provisions in the procedural legislation and, as far as it is possible, with the provisions of Article 22 of this law.
3. The court, in accordance with the provisions of this law and the provisions of the procedural legislation, after review of the request decides:
a) acceptance of the request for exemption from the payment of court fees and court expenses;
b) dismissal of the request for exemption from the payment of court fees and court expenses.
Against the decision of the court, an appeal can be made to the court of appeal, according to the provisions of the article 22 of law.
4. The decision to accept the request for exemption from the payment of court fees and expenses court is immediately notified to the Directorate of Free Legal Aid.
The court decision on the exemption from the payment of court fees and expenses constitutes a title executive and executed in accordance with the provisions of the procedural legislation.
2. The payment of court expenses, for which the exemption has been established, is covered by the budget approved for the Ministry of Justice and paid by the Directorate of Free Legal Aid.
3. Payments made by the Free Legal Aid Directorate, according to point 2 of this article, cannot exceed the amount of remuneration for experts

Q013-2 (2023): Article 3 (h) of law no : 111/2017, « On lega laid guaranteed by state » defines the term “Exemption from court fees and costs” as a form of free-of-charge legal aid, for the exemption from payment of court fees and other court costs, by decision of the competent court, if the criteria imposed by this law are fulfilled. Article 3 (i) and (j) define the terms • “Court fees” as the fee in accordance with the definition provided by the legislation in force on court fees in the Republic of Albania and • ”Court costs” as the expenses made in the framework of the judicial proceeding, necessary for adjudication in accordance with the meaning given in the procedural legislation, except for the court fee.

Q013-2 (2021): The court costs for the beneficiary citizens are paid/covered by the Free Legal Aid Directorate according to the procedures for the payment of court costs (Article 28 (2)). The bylaw on the remuneration of experts and witnesses (Art 28 (3)) and the procedures for the payment of court costs (Art 28 (4), 7 (gj)) regulate with which amount and when experts and witnesses are paid.
Q086 (2024): Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 100% accepted.
Based on the administered data, it results that 64 requests for secondary legal aid (which include representation in court) out of 340 in total are not accepted by the court. We don’t do an administration of how many criminal cases granted legal aid cases.
TOTAL: Cases not brought to court (Primary Legal Aid + Secondary Legal Aid) 6220 (primary legal aid) + 66 (secondary legal aid not accepted legal aid) 6286
In criminal cases: Cases not brought to court (Primary Legal Aid + Secondary Legal Aid) 425(primary legal aid) + 5(secondary legal aid not accepted legal aid) 430
In other than criminal caseS: Cases not brought to court (Primary Legal Aid + Secondary Legal Aid) 5795 (primary legal aid) + 61 (secondary legal aid not accepted legal aid) 5856
These are the finals result for year 2024. It was made a mistake because we hadn’t have this type of statistical data collected and another analyze was made.
Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 100% accepted. That is because Primary Legal Aid, is the type of legal service which consists in:
• information about the legal system in the Republic of Albania, applicable normative acts, rights and obligations of subjects of the law, and on the ways on how to exercise such rights in judicial and extrajudicial processes; • consultation; • consultation about mediation procedures and alternative resolution of disputes; • assistance in drafting and compiling documents necessary to put the state administration in motion or to seek secondary legal aid; • representation before administrative bodies; • any other type of necessary legal support that is not included in secondary legal aid.
And as a result it is given for all the citizens that request it in the Primary Legal Aid Service Center (20 Primary Legal Aid Centers, function in 20 cities of Albania), by 15 NGO-s operating for the year 2024 and by 13 Legal clinics at the higher education institutions.
While the Secondary Legal Aid (representation by an advocate in a court procedure), it is provided by advocates included in the list approved by the National Chamber of Advocates upon the request (according to the form) of the person entitled to receive secondary legal aid. The request has to be addressed to the competent court. The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted, where the court accept or not to give the legal aid (representation by an advocate in a court procedure or exemption from payment of court fees, court costs and from the obligation for prepayment of fees for initiating execution of the execution order). 177 advocates have signed the contract for the provision of the secondary legal aid service for 2024.
The ex officio lawyers) cases aren’t included in this count, because the Legal Aid advocates are not the same with ex officio lawers. The Legal Aid advocates sign every year a contract with Free Legal Aid Directorate, which legitimate them the representation in court for legal cases.

Q086 (2023): Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 100% accepted.
Based on the administered data, it results that 44 requests for secondary legal aid (which include representation in court) out of 773 in total are not accepted by the court.

Q086 (2022): As for the year 2022, 7616 citizens have been treated with primary legal aid and 1030 court decisions have been administered with the object of secondary legal aid.
During 2022 according to the scope of court cases that citizens have requested secondary legal assistance, it is evident that they are mainly civil cases. Out of the total number of requests for legal aid of 1030, 691 of them are civil, where the main ones are marriage settlement, pension benefits and property conflicts. While the other two categories, where 70 are criminal and 269 are administrative cases.

Q086 (2021): We highlight that Instruction No. 1, dated 08/03/2019 of the Minister of Justice on "The approval of rules and procedures for the collection, completion, and administration of registers´ data" determines that: Each state-guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted to receive state-guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. More detailed data can be found at the link: https://ndihmajuridike.gov.al/publikime
Q086 (2020): The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of •Primary Legal Aid ("out of court support")
•Secondary Legal Aid (representation by an advocate in a court procedure) and the
•Exemption from court fees and court costs.
Primary legal aid is defined in Article 3 (b) of law no. 111/2017.It comprises -providing of information regarding the legal system and legal acts, -the delivery of counselling, -the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions,
-the delivery of assistance in drafting and establishing of documentation to -representation before administration bodies, -the delivery of all other forms of necessary legal support not constituting secondary legal aid.
The possible providers of primary legal aid are
•Specially trained officers in primary legal aid service centers (or other premises) (Article 14)
•NPOs providing primary legal aid (Article 15)
•Legal clinics (Article 3 (ë)) providing legal aid (Article 16).
Secondary legal aid is (Article 18)
•provided by advocates included in the list approved by the National Chamber of Advocates, •upon the request (according to the form) of •the person entitled to receive secondary legal aid under articles 11 or 12 of this law. Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates
Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.
Also, we highlight that the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on "The approval of rules and procedures for the collection, completion and administration of registers´ data" determines that: Each state guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted in order to receive state guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. Consequently, in the conditions when the data on the cases handled during February are reported within 5 March 2021, the cases handled by primary and secondary legal aid providers for February 2021, are not included in this report.

Q086-0-0 (General Comment): Article 5 of Law Nr.111/2017, determines the Forms of legal aid, provided in the following forms:
a) primary legal aid;
b) secondary legal aid;
c) exemption from payment of court fees and court expenses, according to the law, and exemption
from the obligation to prepay the execution fee of the execution order.
Primary legal aid is defined in Article 3 (b) and also Article 3 of Appendix 1 of the Order of the Minister of Justice No 226 dated 25/3/2019 on 'The approval of the contracts of legal aid guaranteed by the state". It comprises • providing of information regarding the legal system and legal acts, • the delivery of counselling, o which "is the delivery of information on the manners and the possibilities of solution of a concrete legal matter" (Article 3 (ç)) • the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions, • the delivery of assistance in drafting and establishing of documentation to o put in motion the state administration or o for requesting secondary legal aid • representation before administration bodies, o Secondary legal aid is only provided before (administrative and civil) courts, and • the delivery of all other forms of necessary legal support not constituting secondary legal aid.
According to Article 3 (c) "Secondary legal aid" is the legal service that is offered for • the compilation of the necessary legal acts for putting in motion the court (i.e. the pre-court phase), • the delivery of counselling, representation and defence before the court in o administrative and o civil and o in criminal cases • for which is not applied the mandatory defence in accordance of the criminal procedural legislation. That means that in this respect the Law on Legal Aid is subsidiary to the Code on Criminal Procedure.

Q086-1 (2024): In the table are given the data for all the recepients/cases that are registered in our data, but for some of them the court has decided not to give the free legal aid, because they don't meet the criteria according to the law.
In our data we haven't identified that several family members benefit from free legal aid for the same case. Since asstated above, free legal aid is granted for the same person if the court identifies that the case and the problems it presents have a different object.

Q086-1 (2023): The reflected data includes the period September 2023-January 2024. We highlight that Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion, and administration of registers´ data” determines that: Each state-guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted to receive state-guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. More detailed data can be found at the link: https://ndihmajuridike.gov.al/publikime
Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 95% of civil and administrative cases and 5% of criminal cases.
Based on the administered data, it results that the cases of secondary legal aid (which include representation in court) are 93% of civil New - Cases brought to court- Nr. of court decisions, Secondary Legal aid
Cases not brought to court – Nr. of Primary legal aid. Provided by Primary Legal Aid Centers (employees with special training), from authorized non-profit organizations and from legal clinics near higher education institutions.

Q087 (General Comment): According to Article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". In a given case, all three forms can be granted to an individual, as long as it fulfills the criteria. There are two categories that benefit legal aid: (a) special categories of individual (b) legal aid in case of insufficient income and property.
(a) special categories of individuals
Legal aid shall be granted to the following persons, regardless of their income and their property:
a) victims of domestic violence;
b) sexually abused victims and human trafficking victims, at any stage of a criminal proceeding;
c) minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
ç) children living in social care institutions;
d) children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian;
dh) persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness;
e) persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health;
ë) persons undergoing voluntary treatment in mental health service institutions for serious mental diseases;
f) persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding;
g) persons with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian.
gj) persons who are beneficiaries of social protection programs.
h) persons to whom the right has been infringed through an action or inaction that constitutes discrimination on the basis of the decision of the competent organ, according to the legislation in force for protection from discrimination.
(b) legal aid in case of insufficient income and property

Q088 (2021): The classification of full and partial legal aid is not a classification provided by law no. 111/2017, law. According to article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". Criteria for Legal Aid are stipulated in articles 11 and 12 of the law no. 111/2017
Special categories of beneficiaries of legal aid (article 11)
Article 11 mentions groups of persons who qualify for legal aid irrespective of their income and/or property. The groups covered by Article 11 can be divided into subgroups as follows: • Victims: o victims of domestic violence; o sexually abused victims and human trafficking victims, at any stage of a criminal proceeding o minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
• Children: o children living in social care institutions; o children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian
• Other vulnerable persons: o persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness; o persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health; o persons undergoing voluntary treatment in mental health service institutions for serious mental diseases; o persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding o person with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian • persons who are beneficiaries of social protection programs • persons to whom the right has been infringed through action or inaction that constitutes discrimination based on the decision of the competent organ, according to the legislation in force for protection from discrimination.
Article 12 (Insufficient Income and Property)
Article 12 defines under which circumstances persons with sufficient income/property
1. The right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counseling, representation, and/or defense in criminal cases, administrative, and civil law cases. 2. The income of a person living in a household shall be considered insufficient in the meaning of paragraph 1 of this article, if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage, as defined according to the legislation in force. 3. The income of a person, not living in a household, shall be considered insufficient if it is lower than the level of the monthly minimum wage, as defined according to the legislation in force.
4. If a person living in a household requests legal aid for a case against another member of the same household, paragraph 2 shall not apply. The income of this person shall be considered insufficient if it is lower than the level of the minimum wage, as defined according to the legislation in force.
5. The property of a person shall be considered if its total value does not exceed the value of 36 monthly minimum wages, as defined according to the legislation in force.

Q088-1 (General Comment): Primary Legal Aid
Maximum duration prescribed in law/regulation First legal aid is provided immediately at the moment requested verbally or written. If it is needed can be extended the days of consolations.
Actual average duration First legal aid is provided immediately at the moment requested verbally or written If it is needed can be extended the days of consolations max 2 days
Secondary Legal Aid
Maximum duration prescribed in law/regulation
The time of decision depends on when the application was lodged:
• The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted together with the statement of claim
• according to the provisions of the procedural legislation and the provisions of this law, when the request has been filed during judicial examination According to the Article 22 (9) the Directorate may appeal against the acceptance (only) when it claims that the request is evidently abusive or manifestly ill-founded and not if it claims that the applicant does not fulfil the criteria of Articles 10 to 12. It will have to be clarified if the reasons of appeal were restricted on purpose or if a reference to Articles 10 to 12 was omitted by error. Since Article 22 (9) does (in contrast to Article 22 (7)) not refer to the special appeal, the provisions on normal appeals apply. Article 22 (9) states that “In this case shall be applied the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation.” Thus the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation apply. I.e. that different procedural rules apply for the appeal of the Directorate against the approval than for the appeal against the dismissal. Against the decision of the court of appeal a recourse to the High Court is not allowed
Actual average duration From the practice, it results that the period from the moment of sending the request for secondary legal aid until the notification of the court's decision on the acceptance or not of the request is 1 month.

Q088-1 (2023): 1 day for Primary Legal Aid
Secondary Legal Aid - The court has to decide within 5 days from the date of receipt of the request
Maximum duration prescribed in law/regulation - First legal aid is provided immediately at the moment requested verbally or written. If it is needed can be extended the days of consolations. ---- The time of decision depends on when the application was lodged:
• The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted together with the statement of claim
• according to the provisions of the procedural legislation and the provisions of this law, when the request has been filed during judicial examination According to the Article 22 (9) the Directorate may appeal against the acceptance (only) when it claims that the request is evidently abusive or manifestly ill-founded and not if it claims that the applicant does not fulfil the criteria of Articles 10 to 12. It will have to be clarified if the reasons of appeal were restricted on purpose or if a reference to Articles 10 to 12 was omitted by error. Since Article 22 (9) does (in contrast to Article 22 (7)) not refer to the special appeal, the provisions on normal appeals apply. Article 22 (9) states that "In this case shall be applied the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation." Thus the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation apply. I.e. that different procedural rules apply for the appeal of the Directorate against the approval than for the appeal against the dismissal. Against the decision of the court of appeal a recourse to the High Court is not allowed.
Actual average duration - First legal aid is provided immediately at the moment requested verbally or written If it is needed can be extended the days of consolations dy max 2 days --- From the practice, it results that the period from the moment of sending the request for secondary legal aid until the notification of the court's decision on the acceptance or not of the request is 1 month.

Q088-1 (2022): within 5 days from the date of registration of the request, when the request is submitted the beginning of the process
judgement
Referring to Article 9 point "d" of Law no. 111/2017 "On legal aid guaranteed by the state" provides that: The National Chamber of Advocacy prepares and organizes continuous training programs for lawyers included in the list of lawyers who offer secondary legal aid services, in cooperation with the Assistance Directorate Free Legal
Q088-1 (2021): -Primary legal aid: If the conditions are met, primary legal aid is delivered immediately (if possible) or a date for the provision of primary legal aid is given to the party. No maximum time duration is prescribed in law/regulation. The actual average duration is 2 (two) days.
-Secondary legal aid: • The court has to decide within 5 days from the date of receipt of the request when the request has been submitted before initiation of the judicial proceeding (paragraph a); • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted • according to the provisions of the procedural legislation and the provisions of this law when the request has been filed during the judicial examination. The actual average duration is 1 month.

Q163 (General Comment): Other specific arrangements means:
- closed-door trial for the juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking; - the defendant's right to use the language he/she speaks or understands or either use the sings language, as well as be assisted by a translator and interpreter if he/she has disabilities in speaking and hearing. - prohibiting the publication of the personal data and photos of the juvenile defendants and witnesses; - physical protection, by the warrant of defense for the cases of violence due to the family relations, entry in the program of the defendants defense, etc.; - the right to compensation for damages through the civil lawsuit to whom that has suffered damage from the criminal offense.

Q163 (2023): After verifying the answer given this year, we confirm it
Q163 (2022): Regarding all discrepancies between years, the legal provisions have not changed. There are different procedures that can be applied to different categories but these procedures are not measures taken by the court such as placing the victims in a special facility for victim of abuse, are measures taken by local authorities.

Bosnia and Herzegovina
Q012 (General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

Q012 (2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

Q012 (2019): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

Q013 (General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Q013-2 (General Comment): The exemptions from court fees are not calculated nor presented in financial documents (budgets, reports etc).
The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

Q086 (General Comment): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given trough representation in court and cases in which free legal aid was given for the costs of proceedings.
Other cases brought to court: cases in which free legal aid was given trough representation in court and the preparation of legal documents, cases in which free legal aid was given only trough preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.
Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given trough legal advice only by the government founded free legal aid institutions.
Free legal aid is provided in courts and by the specialized free legal aid institutions formed by the different levels of government in Bosnia and Herzegovina. Free legal aid is provided by the courts in criminal proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law. Also, the courts make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). Employees of institutions providing free legal aid represent the party in various types of court proceedings, compose legal documents and give legal advice to a person who meets financial and property criteria. The data refer to the number of cases in which courts and institutions of free legal aid provided legal assistance in the described ways. It is important to that the number of persons who received free legal aid may be higher than the number of cases in which free legal aid was provided.
Q086 (2020): Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of measures combating the spread of coronavirus.
Q086 (2019): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given trough representation in court and cases in which free legal aid was given for the costs of proceedings.
Other cases brought to court: cases in which free legal aid was given trough representation in court and the preparation of legal documents, cases in which free legal aid was given only trough preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.
Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given trough legal advice only by the government founded free legal aid institutions.

Q086-0 (General Comment): The courts and the specialized government institutions provide free legal aid to citizens in relation to court proceedings.
Free legal aid is provided by the courts in criminal proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law (e.g. obligatory defense etc.) Also, the courts may make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). In addition, free legal aid centers have been established by the legislation adopted at all levels of government as a part of the respective public administration system. Employees of free legal aid institutions represent the citizens in various types of court and non-court proceedings or give legal advice to the citizens and compose legal documents for them. Citizens are entitled to free legal aid provided by the legal aid institutions if they fulfill financial and property criteria prescribed by the relevant legislation.

Q086-0-0 (General Comment): Legal aid is exercised in different types of court proceedings as a right to:
a) general information on rights and obligations,
b) legal advice and assistance in filling out forms,
c) legal assistance in compiling all types of correspondence,
d) representation in court,
e) making an appeal and
f) legal assistance in the procedures of peaceful settlement of the dispute (e.g. mediation).
Q086-1 (2023): In the relevant reports for 2023, as in 2022, there was a slightly higher number of beneficiaries of free legal aid than the number of cases in which free legal aid was provided. The institutions for the provision of free legal aid explained that this difference was recorded because certain number of individual users were registered two or more times during the same year as recipients of different legal services.
Q087 (General Comment): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by
institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which increased considerably in 2022. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.
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institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which rose considerably in 2021. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.
Q088-1 (General Comment): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the functioning of legal aid institutions. In addition, the criminal procedure codes oblige the court to urgently appoint an ex-officio attorney to the suspect/accused persons such as minors, detainees, a defendant in a criminal case in which one my be given long-term prison sentence etc.; also, pursuant to the criminal procedure codes the court will decide urgently if an attorney shall be assigned to the suspect or accused at his request if due to an adverse financial situation, he is not able to pay the expenses of the defense in the proceedings that are conducted for an offense for which a prison sentence of three or more years may be pronounced or when the interests of justice so require. Actual average duration is 8 days. This calculation is based on the actual duration of time passed between initial requests and final approvals for all procedures for granting legal aid completed in the reference year. The aforementioned calculation is based on the data gathered from the courts and and legal aid institutions for 2023. The courts provided data on the timeframes with regards to deciding on requests for appointing ex-officio lawyers in criminal proceedings as well as data on granting requests for exemption from paying court taxes and other costs in the civil proceedings. The legal aid institutions provided statistics on the actual timeframes of the procedure for granting legal aid.

Q088-1 (2021): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the functioning of legal aid institutions. In addition, the criminal procedure codes oblige the court to urgently appoint an ex-officio attorney to the suspect/accused persons such as minors, detainees, a defendant in a criminal case in which one my be given long-term prison sentence etc.; also, pursuant to the criminal procedure codes the court will decide urgently if an attorney shall be assigned to the suspect or accused at his request if due to an adverse financial situation, he is not able to pay the expenses of the defense in the proceedings that are conducted for an offense for which a prison sentence of three or more years may be pronounced or when the interests of justice so require. This calculation of actual average duration is based on the actual duration of time passed between initial requests and final approvals for all procedures for granting legal aid completed in the reference year. The aforementioned calculation is based on the data gathered from the courts and and legal aid institutions for the reporting year. The courts provided data on the timeframes with regards to deciding on requests for appointing ex-officio lawyers in criminal proceedings as well as data on granting requests for exemption from paying court taxes and other costs in the civil proceedings. The legal aid institutions provided statistics on the actual timeframes of the procedure for granting legal aid.

Q163 (General Comment): Only general information mechanisms prescribed by law are provided in the proceedings to the categories of vulnerable persons.
Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.
Q163 (2024): Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.
Q163 (2023): Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.
Q163 (2022): Exclusion of the public, language assistance during the trial procedure for ethnic minorities or persons with disabilities, the right of a woman who is a victim of domestic violence to enjoy the use of a safe house, physical protection during court proceedings, prohibition of questioning the injured party about sexual experience before the commission of the criminal act, and if such examination has already been carried out, the court decision cannot be based with such a statement, the prosecutor is obliged to inform the competent social welfare authority about the criminal proceedings against minors.
Q163 (2019): Only general information mechanisms prescribed by law are applied to the categories of vulnerable persons.
Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile.

Montenegro
Q012 (2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur
Q012 (2020): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately.
Q013 (2024): Courts in 2024 had an individually determined amount for providing BPP, it is contained within account 4146-advocate services and it amounted to €145,517.85. In 2024, €91,801.16 was realized for free legal aid. The remaining funds in the amount of €53,716.69 were returned to the State Treasury.
Q013 (2023): Not including ex officio mandatory representation. Legal aid is different specific category
Q013 (2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur
Q013 (2020): A smaller number of requests for free legal aid were adopted, thus less money was spent.
Q013-2 (General Comment): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately
Q013-2 (2024): mandatory representation in courts, ex officio lawyers not included in legal aid budget
Q013-2 (2023): Courts in Montenegro do not have a set amount that applies only to free legal aid.
Q086 (2020): The total number of filed requests for free legal aid in 2020 is 365. Unfortunately, we are not able to provide other data under question 86.

Q087 (General Comment): The property is not priced according to the amount. In accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by :a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.
The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.
The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.
The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount , whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are :
1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.
2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.
Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.
The following is not considered property flat or residential building in the extent to:
- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,
- three-bedroom apartment for a family of four or more members;
2) agricultural land or commercial forest area up to:
- 20 a (are) for an individual,
- 30 a (are) for a family with two members,
- 40 a (are) for a family of three members,
- 50 a (are) for a family of four members,
- 60 a (are) for a family of five or more members;
3) other land area up to 2 hectares, other than urban construction land

Q163 (General Comment): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.
The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or voiceless. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath. If the defendant or witness is a person with impaired hearing, the questions shall be in writing, and if it is a person with impaired speech, shall be asked to answer in writing. If the hearing cannot be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.
A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.
In Montenegro, there is a special law that applies to juvenile offenders. - The law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

Q163 (2024): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a
court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.
The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or dumb. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath. If the defendant or wittnes is a person with impaired hearing, the questions shall be in writing, and if it is a person with impaired speech, shall be asked to answer in writing. If the hearing can not be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.
A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.
In Montenegro, there is a special law that applies to juvenile offenders. - The law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

Q163 (2021): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.
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Q163 (2020): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.
The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or dumb. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath. If the defendant or wittnes is a person with impaired hearing, the questions shall be in writing, and if it is a person with impaired speech, shall be asked to answer in writing. If the hearing can not be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.
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North Macedonia
Q012 (2024): This discrepancy is result of decrease of budget within of Ministry of Justice dedicated to free legal aid

Q012 (2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are calculated according to the Lawyers tariff, which was not a case in the previous years.

Q012 (2020): Provided data from courts and Ministry of Justice.
Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.
For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total budget for free legal aid. Because of that it not possible to be given separately.

Q013 (2024): The amount of the approved budget was exceeded due to an increased number of requests and amounts, and payments were made from other lines of the budget of the Ministry, through repurposing.
Q013 (2023): In 2023, more criminal cases brought to court were concluded. The rise in the budget allocated to criminal cases may also be attributed to the complexity of these cases and their longer durations, resulting in higher expenses for lawyers.
Q013 (2022): Implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in our country.
Q013 (2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are payed according to the Lawyers tariff, which was not a case in the previous years.
Q013 (2020): The budget for the legal aid in criminal cases is composed by: the budget for ex-officio lawyers according to the Law on Criminal procedure and the poor law budget. There are no other criminal cases, except criminal cases brought to court.
A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.
Q013-2 (2021): According to procedural laws and Law on free legal aid.
Q086 (2021): In 2021 there were 1610 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 3 cases referred to the court for which court granted free legal aid (Defense of indigent persons). In 2021, the law on free legal aid was implemented, a campaign was launched to promote free legal aid, which led to increased number of submitted and approved requests for free legal aid.
Q086 (2020): In 2020 there were 1586 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 2 cases referred to the court for which court granted free legal aid (Defense of indigent persons). Additionally in the same year there were 20 civil cases referred to the court for which court granted free legal aid and 137 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid. According to the new Legal aid which start with implementation in October 2019, in 2020 we have significantly increasing of the number of cases where primary legal aid was given. Primary legal aid according to the new law can give Ministry of justice, Associations registered in the Ministry of justice for giving on primary legal aid and legal clinics.
Q086-0 (General Comment): LAW ON FREE LEGAL AID
Article 4
Providers of free legal aid
(1) Free legal aid shall be provided under the conditions and in the procedure stipulated in this law.
(2) Free legal aid may be provided as preliminary legal aid and secondary legal aid.
(3) Preliminary legal aid shall be provided by authorised Ministry staff, an authorised association or a legal clinic (hereinafter: providers).
(4) Secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorisations in accordance with the provisions of this law.
(5) The funds for approving free legal aid and the costs of the provided legal aid in the proceedings stipulated in this law shall be provided from the Ministry budget, as well as from donations and other income in accordance with the laws.
(6) Approved secondary legal aid may be revoked in accordance with the provisions of this law.
(7) In cases stipulated herein, the beneficiary shall reimburse the costs of the secondary legal aid, in full or partially.
(8) The minister of justice shall prescribe the procedure for providing free legal aid.
PRELIMINARY LEGAL AID
CHAPTER I
GENERAL PROVISIONS
Article 5
Right to preliminary legal aid
Any natural person with domicile or residence on the territory of the Republic of North Macedonia shall be entitled to preliminary legal aid.
Article 6
Scope of preliminary legal aid
The scope of preliminary legal aid is the following:
- 1) initial legal advice on the right to use free legal aid;
- 2) general legal information;
- 3) general legal advice;
- 4) assistance in completing the secondary legal aid application;
- 5) assistance in filling out forms issued by administrative authorities in an administrative procedure for social welfare and protection of children’s rights; pension, disability and healthcare

Q086-0-0 (General Comment): Article 75 Criminal procedure law
Defense of indigent persons
(1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.
(2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.
(3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

Q088 (General Comment): North Macedonia has dual system of legal aid. First one through Ministry of Justice according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).
According to the Article 15 of the new Law on free legal aid, which started with implementation in October 2019, the following persons are eligible to apply for secondary legal aid:
- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid
CHAPTER II. CRITERIA FOR APPROVING SECONDARY LEGAL AID
Article 17
General criteria for approving secondary legal aid
(1) The secondary legal aid applicant (hereinafter: the applicant) shall be entitled to secondary legal aid if their financial standing prevents them from exercising their constitutional and legal rights without jeopardising their livelihood and the livelihood of the family members in their household.
(2) The financial standing of the applicant and their family members shall be established on the grounds of a written statement on their financial standing (hereinafter: the statement) provided by the legal aid applicant as part of the secondary legal aid application.
(3) The applicant shall be approved secondary legal aid if:
- they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or
- they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.

(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.
(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing of their family members in the written statement on their financial standing for the purpose of having secondary legal aid approved, the secondary legal aid application shall be declined and the application shall not be able to file a new secondary legal aid application prior to the expiry of 12 months from the delivery of the notification.
(6) In establishing the financial standing of the applicant and their family members, the income and property of the family members who appear as an opposing party in the procedure subject to the secondary legal aid application shall not be taken into account.
Article 18

Q088 (2024): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.
"Official Gazette of RNM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published
With the changes and additions:
The methodology for calculating the amount of the minimum wage is changed;
The amount of the minimum wage for the period March 2024 to February 2025 is prescribed (33 352 gross or 22 567 denars net);
Q088 (2023): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.
"Official Gazette of RSM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published
With the changes and additions:
The methodology for calculating the amount of the minimum wage is changed;
The amount of the minimum wage for the period March 2022 to February 2023 is prescribed (26,422 gross or 18,000 denars net);
Q088 (2022): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.
"Official Gazette of RSM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published
With the changes and additions:
The methodology for calculating the amount of the minimum wage is changed;
The amount of the minimum wage for the period March 2022 to February 2023 is prescribed (26,422 gross or 18,000 denars net);

Q088 (2021): According to article 18 of the Law on free legal aid provided below, assets for granting free legal aid are evaluated depending of the monthly minimum net wage which is 247 euros for 2021. However, the annual income would be 2964 euros, but this amount is not considered in the process of granting free legal aid. Income requirements
(1) The financial standing of the applicant and their family members shall be considered jeopardized by the procedure costs if:
- the monthly income of the applicant living alone does not exceed the minimum net wage in the Republic of North Macedonia, set by the regulations in the area of minimum wage;
- the monthly income of the applicant living in a household with their family members does not exceed the minimum net wage of paragraph (1), item 1, hereof, and the monthly income of each subsequent family member does not exceed 20% of the minimum net wage set by the regulations in the area of minimum wage.
(2) The following is considered monthly income of the legal aid applicant and their family members:
- net wages;
- pension in the Republic of North Macedonia or abroad;
- financial benefit for unemployment;
- reported or earned net income in the Public Revenue Office;
- income from financial support in agriculture and rural development from the preceding year;
- military or civil disability;
- income from temporary work abroad;
- income from financial instruments;
- income from real estate;
- funds with a payment operations carrier;
- legal support; and
- gifts subject to corporate income tax in accordance with the provisions of the Law on Income Tax.
(3) The following is not considered income under paragraph (2) hereof:
- compensation for support and care by another person;
- parental benefit for children;
- child benefit and special benefit;
- disability benefit;
- welfare benefit;
- continuous financial aid;
- one-off financial aid and aid in kind;

Q088-1 (General Comment): LAW ON FREE LEGAL AID
Article 23
Examination of the application
(1) The authorised officer is obliged within 15 days from receiving the application:
- to obtain all the information required to establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;
- to examine and establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;
- to draft a certificate approving or a notification declining the secondary legal aid application; and
- to organise the first meeting between the lawyer and he secondary legal aid beneficiary, stating the date of the meeting in the certificate.
(2) The authorised officer shall check the information provided in the written statement on the financial standing of the applicant and their family members with the competent authorities who have information regarding the income and assets of natural persons. If an authorised officer deems that additional information is necessary, then they will ask the secondary legal aid applicant for the additional information within seven days from receiving the application, in accordance with the law.
(3) The request for the information of paragraph (2) hereof shall stay the deadline of paragraph (1) hereof, pending the day of receipt of the requested information.
(4) If the applicant fails within 15 days from receiving a request for additional information under paragraph (2) hereof to provide it, then within the deadline under paragraph (1) hereof, which shall resume, the authorised officer shall adopt a notification declining the secondary legal aid application.
(5) The competent authorities who have information regarding the income and assets of the secondary legal aid applicant and their family members, in accordance with paragraph (2) hereof, are obliged to deliver the requested information in accordance with the regulations for personal data protection without delay and at latest within seven days from receiving the information request.
(6) The certificate approving, i.e. the notification declining the secondary legal aid application shall be delivered to the applicant.
(7) The certificate approving the secondary legal aid application is also delivered to the lawyer.
(8) The applicant may lodge a complaint against the notification declining the secondary legal aid application to the Ministry within 15 days from receiving the notification.
(9) In the event of fundamental changes in their financial standing, the applicant may re-apply for secondary legal aid for the same legal matter and on the same legal grounds for which the authorised officer had adopted a notification declining the secondary legal aid application, except when the applicant has failed to deliver the additional information timely, within the deadline specified under paragraph (4) hereof.
(10) A secondary legal aid application shall not be examined if:
- the applicant makes a written statement withdrawing the secondary legal aid application, and the authorised officer shall notify the applicant that their application is not going to be examined; or
- it is established that the applicant has passed away after filing the application.

Q163 (General Comment): The Law on Criminal Procedure
Article 53
Victim's rights
(1) The victim of a crime shall have the following rights:
1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal property
claim for damages;
2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.
(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses,advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.
(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:
1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical
impairment or if there are serious consequences as a result of the crime; and
2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.
Article 54
Special rights of victims of vulnerable categories of victims
(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated
during all stages of the procedure:
1) if, at the time when giving the statement, the victim is less than 18 years of age;
2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat for their life, health or physical integrity (endangered victims);
3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).
(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to

Serbia
Q012 (2023): Annual approved public budget for the High Judicial Council for mandatory defense 11536009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.
Q012 (2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.
Q012 (2020): TOTAL - Annual approved public budget allocated to legal aid (1 + 2) Total budget approved for 2020 was 6 million EUR. Nevertheless, due to COVID 19 and the fact that the budget was not spent during that budgetary year, there have been some adjustments to the total amount. 1. for cases brought to court (court fees and/or legal representation)
2. for cases not brought to court (legal advice, ADR and other legal services)
Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government budget. The actual payment takes place following the completion of a certain phase of the proceedings. Given that the law started implementation on October 1st 2019, most cases brought to court have not yet been finalized.

Q013 (2024): We received all the information from the relevant institutions.
Q013 (2023): Official data obtained from the Sector for financial affairs in the MOJ
Annual implemented public budget for the High Judicial Council for mandatory defense 11469009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.
Q013 (2022): Please note that the total amount refers only to the cases of granted free legal aid according the Law on free legal aid. This amount does not cover the free legal aid that was provided according to the Criminal Procedure Code (mandatory defense, etc.)
Q013: TOTAL - Annual implemented public budget allocated to legal aid (1 + 2) - 92056 euros. A greater number of cases of free legal aid in 2022 resulted in a greater amount of money spent on the provided free legal aid. The amount for 2022 is higher compared to the previous two years, taking into account that during 2022 all measures against covid-19 were canceled.

Q013 (2021): The budget for the Legal Aid is executed based on the requests from the municipalities (local governments) and can cover only up to 50% of the total budget spent annually by municipalities (local governments), based on the Law on Legal Aid.
The Legal Aid does not include "mandatory representation in criminal cases" by lawyers, before the Serbian courts, which is the cost covered by the High Judicial Council.

Q013 (2020): TOTAL - Annual implemented public budget allocated to legal aid (1 + 2)
If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:
Data shall be available for the next report.

Q013-2 (General Comment): The Law on Civil Procedure, Article 168:
The court shall exempt from payment of the costs of the proceedings a party who, due to his general financial situation, is not able to bear these costs.
Exemption from payment of costs of proceedings includes exemption from payment of fees and exemption from advance payment for costs of witnesses, experts, on-site inspections and court announcements.
The court may also exempt a party from paying the fee, in accordance with a special law.
When making a decision on exemption from paying the costs of the procedure, the court considers all the circumstances, and especially takes into account the value of the subject matter of the dispute, the number of persons supported by the party and income and property owned by the party and its family members.
Q086 (General Comment): The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. Staff in LSG decide on the applications pursuant to Articles 4 and 7 of the Law (eligibility). Article 67 of the Constitution of RS provides that everyone shall be guaranteed the right to legal aid under conditions stipulated by the law. Legal aid is provided by lawyers, as an independent and autonomous service, and legal aid offices established in the units of local self-government in accordance with the law. The court shall exempt a party from the liability of paying the costs of the proceedings where that party's material situation does not allow him/her to bear such costs. Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices.

Q086 (2024): This number represents the total number of approved requests for free legal aid support. It includes criminal and other than criminal cases, taking into account that records are not kept by type of procedure.
Q086 (2023): Number of decisions of granting legal aid by municipalities
Ex-officio lawyers are not counted here
Q086 (2021): Please note that total data only refers to cases where legal aid is granted according to Law on Free Legal Aid, due statistic data for cases in which legal aid was granted according to Criminal Procedure Code, are not available.
This year, data from some Local Self-government units indicate that there were fewer requests than in previous ones reporting periods, which may be related to the changed functioning of the local governments due to the situation caused by COVID19. It is necessary for to enable citizens submitting requests for free legal aid even when entry to the premises of local self-government unit is not allowed for epidemiological reasons. Requests must be available to all citizens in a clearly defined and visible place.
At the same time, there are local self-government units that did not submit a report
to the Ministry of Justice so it can be concluded that there were no requests in those LSU.

Q086 (2020): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data were not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid.

Q086-0 (General Comment): The Law on Free Legal Aid ("Official Gazette of RS", No. 87 of November 13, 2018, in force from October 1st 2019): The purpose of this law is to provide every person with effective and equal access to justice. Free legal aid consists of providing legal advice, drafting submissions, representation and defending in courts. When person applies for free legal aid, he/she must address to local self-government unit, which is entitled to approve/reject the request for granting free legal aid. If the request is granted, the person will be provided free legal aid by the benefactor who must be registrated on a list of benefactors kept by the Minister of Justice. Benefactor are lawyers, mediators, notaries, employees of the self-government unit, Faculties of Law and association which are registrated to provide legal aid in matters of asylum and discrimination. The request for granting free legal aid can be submitted personally or legal representative or attorney, can submit it on their behalf. The Criminal Procedure Code, Article 59:
When criminal proceedings are conducted for a criminal offense for which a sentence of imprisonment of more than five years may be imposed by law, court may, at the request of injured party, appoint a proxy (from the list of lawyers submitted to the court by the competent bar association) if it is in the interest of the proceedings and if the injured party financial situation, cannot bear the costs of representation.
Article 77: Defendant who, due to his financial situation, cannot pay the defense attorney's fee and expenses, will be assigned attorney at his request, if criminal proceedings are conducted for a criminal offense punishable by imprisonment for more than three years. In that case, the defense costs are borne by the court's budget.

Q086-1 (2024): This number represents the total number of approved requests for free legal aid support. It includes criminal and other than criminal cases, taking into account that records are not kept by type of procedure.
Q086-1 (2023): The entered total number is the one related to all approved request for free legal aid.

Q087 (General Comment): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.
The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the Republic of Serbia; 7) a refugee, a person enjoying subsidiary protection or an internally displaced person; 8) a disabled person; 9) a child protected by using accommodation services in the social welfare system; 10) a child or a young person no longer using accommodation services until the age of 26; 11) an adult or an elderly person placed in a social welfare institution against his will; 12) a person exercising the right to have his time and place of birth established under the law governing non-adversarial proceedings; 13) a person who has been affected by forceful displacement or relocation pursuant to the law governing residence.
For the category B, the income up to 34.870 rsd per month is prescribed in the relevant bylaw as the amount placing an individual in the eligible category for free legal aid (i.e. 3.546 EUR annually). The applicant's house or immovable property utilized for work or a vehicle utilized for work are excluded from calculation of one's financial status.

Q088 (2024): Applicants for free legal aid must have an annual income value (net) equal to or less than 4854 euros
for free legal aid to be granted.
Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.
In the RS, the property status of the applicant for free legal aid is taken into account as a criterion for approving free legal aid. The Law on Free Legal Aid does not recognize partial legal aid.
Article 4 of the Law prescribes the conditions for providing free legal aid. The aforementioned article stipulates that free legal aid can be granted: 1) to an applicant who meets the conditions to be a beneficiary of the right to cash social assistance in accordance with the law governing social protection or a beneficiary of the right to child allowance in accordance with the law governing financial support and 2) to a person who does not meet the conditions to be a beneficiary of cash social assistance or child allowance, but due to the payment of legal aid from his income, he would fulfill these conditions and only in this second case is the income criterion provided for in the Rulebook on remuneration and the detailed content of the application form for the approval of free legal aid taken into account help.
The Rulebook (Art. 6) stipulates that the applicant fulfills the conditions for the approval of free legal aid if the monthly income of the applicant is not higher than the minimum wage determined by the Government in accordance with the law. In addition to the amount of income provided by the Law, the data on real estate owned by the applicant for free legal aid is also taken into account, so it is stipulated that the applicant exercises the right to free legal aid if the immovable property is used as a living space or the immovable property is used to perform an activity that serves to support the applicant or of a family member, that is, a joint household. Also, the Rulebook stipulates that when deciding on the merits of a request for the approval of free legal aid, the value and purpose of the vehicle is taken into account, so it is prescribed that the applicant exercises the right to free legal aid if the vehicle is used for self-employment or the value of the vehicle does not exceed the annual minimum wages determined by the Government in accordance with the Law.
Article 4 of the law provides for certain categories of persons who exercise the right to free legal aid without taking into account other criteria and refers to the following persons:
1) a child whose right, obligation or interest based on the law is decided in a proceeding before a court, another state body, or a public authority body; 2) to a person subject to a security measure of compulsory psychiatric treatment and custody in a health institution or a protective measure of compulsory psychiatric treatment; 3) the person against whom the procedure of partial or complete deprivation or

Q088 (2023): Applicants for free legal aid must have an annual income value (net) equal to or less than 3963 euros for free legal aid to be granted.
Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.
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1) a child whose right, obligation or interest based on the law is decided in a proceeding before a court, another state body, or a public authority body; 2) to a person subject to a security measure of compulsory psychiatric treatment and custody in a health institution or a protective measure of compulsory psychiatric treatment; 3) the person against whom the procedure of partial or complete deprivation or restoration of business capacity is being conducted; 4) to a person who provides legal protection against domestic violence; 5) to a person who obtains legal protection from torture, inhuman or degrading treatment or punishment or human trafficking; 6) to a person seeking asylum in the Republic of Serbia; 7) refugees, persons under subsidiary protection or internally displaced persons; 8) a person with a disability; 9) a child who is protected by the accommodation service in the social protection system; 10) children and young people whose social housing service has ended until they reach the age of 26; 11) adults and elderly persons who are placed in a social welfare institution without their consent; 12) to a person exercising the right to determine the time and place of birth in accordance with the law regulating non-litigation proceedings; 13) to a person affected by the procedure of forced eviction and resettlement in accordance with the law regulating housing.

Q088 (2022): Applicant for free legal aid must have annual income value (net) equal or less then 3546 euros in order for free legal aid to be granted.
Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
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Q088 (2021): Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.

Q088-1 (General Comment): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.
The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.
Q088-1 (2024): Article 32 of the Law stipulates that the procedure for granting free legal aid is urgent. The administrative authority must issue a decision on the request within eight days of receiving it, and if additional documentation is requested from the applicant, within eight days from the date it is delivered. If there is a risk of irreparable damage to the applicant or if the period for taking action in the procedure is about to expire, the administrative authority is obligated to issue a decision within three days of receiving the request.

Q088-1 (2021): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.
The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.

Q163 (General Comment): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).
An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.
If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.
An especially vulnerable witness may also be examined in his place of living or other premises or in an authorized institution professionally qualified for examining especially vulnerable persons. In such case the authority conducting proceedings may order application of these measures.
An especially vulnerable witness may not be confronted with the defendant, unless the defendant himself requests this and the authority conducting proceedings grants the request, taking into account the level of the witness's vulnerability and rights of defense (Art. 104 CPC).
If there exist circumstances which indicate that by giving testimony or answering certain questions a witness would expose himself or persons close to him to a danger to life, health, freedom or property of substantial size, the court may authorize one or more measures of special protection by issuing a ruling determining a status of protected witness.
The measures of special protection include questioning the protected witness under conditions and in a manner ensuring that his identity is not revealed to the general public, and exceptionally also to the defendant and his defense counsel, in accordance with this Code (Art. 105 CPC).
The measures of special protection ensuring that the identity of a protected witness is not revealed to the public are excluding the public from the trial and prohibition of publication of data about the identity of the witness.
The measure of special protection whereby data about the identity of a protected witness is withheld from the defendant and his defense counsel may be ordered by the court exceptionally if after taking statements from witnesses and the public prosecutor it determines that the life, health or freedom of the witness or a person close to him is threatened to such an extent that it justifies restricting the right to defence and that the witness is credible (Art. 106 CPC).
The provisions related to protected witness apply accordingly to the protection of an undercover investigator, expert witness, professional consultant and professional.
The Law on Program of Protection of Participants in Criminal Proceedings envisages that the protection program is implemented if participants in the criminal proceedings and close people are due to giving evidence or notifications important for proving in criminal proceedings exposed to danger to life, health, physical integrity, freedom or property, and without that testimony or notification proving would be significantly difficult or impossible in criminal proceedings for criminal offenses:
1) against constitutional order and security;
2) against humanity and other goods protected by international law;

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1) against constitutional order and security;
2) against humanity and other goods protected by international law;3) organized crime.
In accordance with the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, when conducting proceeding for criminal offences committed against juveniles, authority

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1) against constitutional order and security;
2) against humanity and other goods protected by international law;
3) organized crime.

Kosovo*

Q012 (2024): KPC COMMENT: In our budget categories we don’t have separate category for budget for lawyers, but the budget code is named “legal representation cost” which include lawyers and experts. The total budget approved for this category was 1,218,303€ which we divided in 2 and the budget approved for lawyers being 609,151.5€.
FREE LEGAL AID AGENCY COMMENT: Based on the budget law No. 08/L-260, a budget of 537,831.00 € was allocated to the Free Legal Aid Agency in the following categories: Salaries and allowances 307,831.00 € goods and services 220,000.00 €;, and utilities 10,000.00 €.

Q012 (2022): Budget increased
Q012 (2021): In KPC budget categories we don’t have separate category for budget for lawyers, but the budget code is named “legal representation cost” which include lawyers and experts. The total budget approved for this category was 843,959€ which we divided in 2 and the budget approved for lawyers being 421,979.5€.
As for the discrepancies, they are due to Covid pandemic aftermath and budget review.
Q012 (2020): In this year, we have been able to obtain the data for categories 'cases brought to court and cases not brought to court' for criminal cases too. The budget concerning cases not brought to court is managed by Kosovo Prosecutorial Council(KPC), while the Budget concerning cases brought to court is managed by the Kosovo Judicial Council(KJC). Therefore, for cases not brought to court, we have used the data offered by KPC, while for cases brought to court, we have used the data from KJC.
Q013 (2024): The Free Legal Aid Agency has spent a total budget of €476,000.14, according to these categories: Salaries and allowances 264,271.70 €, Goods and services 203,873.54 € and Municipal services 7,854.90 €.
The reason why the budget was not spent in full is due to the non-recruitment of the anticipated positions.
The budget of the Free Legal Aid Agency is not divided into separate parts for criminal cases and for other cases, but legal aid is offered in all legal fields; Civil, Administrative, Criminal and Misdemeanor, to all those citizens who fulfil the criteria based on law no. 04 / L-017 on Free Legal Aid or if they one of the special beneficiary categories of free legal aid based on law no. 08/L-035 for the amendment and completion of the law no. 04/l-017 for free legal aid.
During 2024, the agency provided free legal aid to 8049 citizens. In the administrative procedure free legal aid was offered to 5853 citizens, in the civil procedure to 1887 citizens, in the criminal procedure to 270 citizens and in the misdemeanor procedure to 39 citizens.
Out of 8049 cases, the FLAA, through its officials, handled 7428 cases.
While 621 cases were referred to the lawyers who took actions for the parties, 562 of them in civil procedure, 12 in administrative procedure and 47 in criminal procedure).
In 2024 in the economic category, the expenses of representation and advocacy have been paid a total of €145,620.00, as well as about €1,145.00 are debts from the year 2025, which have been processed for payment in the budget of the year 2025. These expenses of the lawyers are expenses of the lawyers who are engaged over the years, not just in 2024.

Q013 (2021): As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was increased.
Q013 (2020): There is a difference between the approved and the implemented budget for Legal Aid, mainly because of the pandemic Covid 19. However, in the category "cases not brought to court" in criminal cases, the discrepancy between the approved and implemented budget is because the approved budget includes legal aid and expertise. At this moment, we are not been able to localize only the budget dedicated to legal aid. The courts have been dealing only with emergency cases for two and a half months in 2020(mid-March to June). However, even after the June, courts have not worked in their full capacities, because the Codiv-19 situation deteriorated again in July. The budget was reviewed in June, and significant reallocation in the budget were made. And of course, due to the lockdown, the number of criminal cases was lower compared to previous years and consequently, a part from the budget allocated to legal aid for criminal cases was reallocated.
Q013-2 (2022): FLAA for its cases before the court is exempted from court fees.
Q013-2 (2021): NA
Q086 (2024): This number does not include ex officio cases
Q086 (2021): From the cases handled by legal aid officers in 2021, initiated by the beneficiaries of free legal aid, through the Agency for Free Legal Aid, legal actions are addressed to the following institutions and state bodies:
- Courts - 2255 legal actions
- Municipalities and municipal bodies - 747 legal actions
- Ministries and ministerial bodies - 1214 legal actions
- Other public and private bodies - 323 legal actions

In the reporting period for 2021, 467 lawyers were engaged, of which 425 in the civil field, 22 in the administrative field and in the criminal field 20. Of these, 30 cases were successfully completed, 26 in the civil field, 4 in the administrative field and 5 cases have been terminated, while 432 cases are still pending.
Q086 (2020): This year we have been able to generate the complete data for this category. Considering that the budget for Legal Aid is divided between three institutions, data on number of cases is also divided. So, this year we were able to obtain data on the number of cases when Ex officio Lawyers were paid by Kosovo Judicial and Kosovo Prosecutorial Councils. We have used the data from KJC for the cases brought to court and the data from KPC for cases not brought to court.
Q087 (General Comment): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:
1.1. primary and
1.2. secondary.
2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or
are in similar situation with persons acquiring the right from social aid.
3. The Secondary legal aid shall be provided to all persons who’s gross family incomes are lower
than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for both primary and secondary legal aid. The exact amount is defined based on the service offered (ex. Representation, Lawsuit, etc.).
Q087 (2020): We do not have official data regarding the average family incomes for 2020.

Q088 (General Comment): Free legal aid is provided to all persons who fulfill the criteria as follow: 1.1. qualification criteria; 1.2. financial criteria; and 1.3. legal criteria. According to the financial criteria, the legal aid is provided: 1.1. primary and 1.2. secondary. 2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid. 3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. Primary legal aid is provided to: - All persons who benefit from the right from social assistance or are in a situation similar to persons who benefit from the right from social assistance (victims of violence, marginalized groups, beneficiaries of all categories of social and pension schemes provided by the state and other schemes which are financed by the Ministry of Education, Culture, Sports, Science and Technology of RK). - All persons who are in a similar situation to persons who benefit from the right to social assistance. All applicants for free legal aid who are not beneficiaries of social schemes but whose economic situation is similar to those who live on social aid are considered such. b. Secondary legal aid Secondary legal aid is offered to all persons whose total family income is less than the average family income. Regardless of the criteria required in Article 8 and 9 of the basic law, free legal aid is offered to special categories of beneficiaries of free legal aid such as: 1.1. sexually abused persons during the war in Kosovo in 1998-1999; 1.2. victims of domestic violence; 1.3. victims who witnessed violence, who are dependent on victims of domestic violence; 1.4. victims of gender-based violence; 1.5. victims of any type of sexual violence, including sexual harassment; 1.6. victims of human trafficking; 1.7. minor victims; 1.8. children living in social care institutions; 1.9. to children under guardianship seeking to initiate proceedings without the consent of their legal guardian or against their legal guardian; 1.10. persons whose rights have been violated through an action or inaction that constitutes discrimination, based on the decision of the competent body according to the law in force on protection against discrimination; 1.11. Journalists, independent journalists, photojournalists, cameramen and editors who work in/for media licensed by the Independent Media Commission (IMC) and/or member media in the Kosovo Written Media Council (KMSHK). The Agency for Free Legal Aid does not have a regulation that regulates this issue, but in order to facilitate internal procedures, a guide has been drawn up for processing cases for free legal aid and the calculation of expenses for persons who belong to the secondary category is as follows: Calculation of income and expenses: Average salary: 528 Monthly basket: One member €50 Utilities: One member €10 Rent: / Debts: / Minimum salary: €170 It is calculated as follows: Income (average salary) - monthly basket - debts/rent payments + (if he does not have the amount of a minimum wage for living, to be offered free legal aid)

Q088 (2024): Even though an income asset and asset evaluation exists, according to the article 8 of the law on Free Legal Aid, the legal aid is provided:
1.1. primary and
1.2. secondary.
2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or
are in similar situation with persons acquiring the right from social aid.
3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower
than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. However, we do not have a system as question 088 provides.
Q088-1 (General Comment): With article 32 par. 4 of Law 04 / L-017 on Free Legal Aid stipulates that "The decision to allow or reject the request is taken within five (5) working days from the date of submission of complete documentation."
Q088-1 (2023): Timeframe of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final decision on the legal aid request is defined in the Law no. 04/L-017 for Free Legal Aid, article no. 32, paragraph no. 5.
Q163 (General Comment): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection during the time of the judicial proceeding. With regard to information mechanisms, for categories specified above, Courts send a mail to this categories in order to keep them informed regarding the procedure and for the next steps in the procedure. While, with special arrangements we meant the possibility for a minor to have his/her first declaration recorded so he/she does not have to repeat it; video conferencing of the hearing of a vulnerable person; excluding the public in case of a victim of sexual violence/rape.

Q163 (2024): The Kosovo Judicial Council (KJC) has signed a cooperation agreement with the Office for Victim Protection regarding the provision of electronic services, the electronic submission and receipt of requests for Protection Orders, as well as the allocation of office spaces in court branches for the staff of the Office for Victim Protection and Assistance, based on the Council's capacities and possibilities.
The Commission for Monitoring, Evaluation, and Reporting on the Strategic Plan for Improving Access to Justice 2022–2025 and the Strategic Plan for the Efficiency of Handling Corruption, Abuse of Official Duty, and Organized Crime Cases 2025–2027, composed of five judges from the Supreme Court of Kosovo, is responsible for monitoring, evaluating, and reporting on the Strategic Plan for Improving Access to Justice 2022–2025. This plan establishes priority case categories, including:
Criminal Cases:
Cases of Domestic Violence:
Judges must ensure that these cases are handled within a short timeframe, ensuring that hearings are scheduled within a set period and held continuously until the case is resolved.
Failure to handle such cases in a timely manner has serious negative consequences within families and for society, leading to irreparable harm.
The number of such cases is continuously increasing, making it essential to address them in a timely and prioritized manner.
Cases Involving Vulnerable Victims:
Judges must ensure these cases are handled within a short timeframe, scheduling hearings within a set period and ensuring continuity until resolution.
This category includes a significant number of victims, as defined in the Criminal Code of the Republic of Kosovo.
There has been a recent rise in crimes against vulnerable individuals, including persons with disabilities, the LGBT community, and journalists.
These cases must be handled promptly and with priority.
Retrials of Juvenile Criminal Cases:
Although no specific legal deadline exists under the Criminal Procedure Code, such cases must be processed no later than 8 days after receiving the ruling from the higher court ordering the retrial.
Hearings should be scheduled continuously until the case is resolved.
According to the Juvenile Justice Code, procedures involving juveniles are urgent and should be conducted in the best interest and well-being of the minor.
One of the key priorities of Kosovo's judicial system is ensuring timely trials, as required by both national legislation and international legal instruments.
Sexual Offenses:
Judges must handle these cases promptly, ensuring that hearings are scheduled within a set timeframe and continue without delays until resolution.
The number of sexual offense cases has increased, particularly against minors, which has severe consequences for their education, personal development, family life, and social integration.
Prioritizing these cases is essential in every court.
Crimes Against Life and Physical Integrity:

Indicator 4. Access to justice-legal aid

by question No.

Question 12. Annual approved public budget allocated to legal aid, in €.
Question 13. Annual implemented public budget allocated to legal aid in €.
Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:
Question 86. Please indicate the number of cases for which legal aid has been granted:
Question 86-0. Please briefly describe the organisation of the legal aid system in your country.
Question 86-0-0. Does legal aid apply to:
Question 86-1. Please indicate the number of recipients of legal aid:
Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?
Question 88. If yes, please specify in the table:
Question 88-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final decision on the legal aid request:

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Question 012

Albania
(2024): The legal aid implemented budget has increased by 8.6% compared to the previous year.
Cases brought to the court, we have referred to cases of secondary legal assistance (payment of lawyers, experts who have provided secondary legal services). The rest is considered as providing advice and any other financial commitment in function of the institution's activity. The further increase is related to the fact of the opening of the primary legal aid service provision centers throughout the Republic of Albania and the changes in the legislation on employee salaries.

Bosnia and Herzegovina
(General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

(2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

(2019): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

Montenegro
(2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

(2020): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately.

North Macedonia

(2024): This discrepancy is result of decrease of budget within of Ministry of Justice dedicated to free legal aid

(2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are calculated according to the Lawyers tariff, which was not a case in the previous years.

(2020): Provided data from courts and Ministry of Justice.
Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.
For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total budget for free legal aid. Because of that it not possible to be given separately.

Serbia

(2023): Annual approved public budget for the High Judicial Council for mandatory defense 11536009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.

(2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

(2020): TOTAL - Annual approved public budget allocated to legal aid (1 + 2) Total budget approved for 2020 was 6 million EUR. Nevertheless, due to COVID 19 and the fact that the budget was not spent during that budgetary year, there have been some adjustments to the total amount. 1. for cases brought to court (court fees and/or legal representation)
2. for cases not brought to court (legal advice, ADR and other legal services)
Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government budget. The actual payment takes place following the completion of a certain phase of the proceedings. Given that the law started implementation on October 1st 2019, most cases brought to court have not yet been finalized.

Kosovo*

(2024): KPC COMMENT: In our budget categories we don’t have separate category for budget for lawyers, but the budget code is named “legal representation cost” which include lawyers and experts. The total budget approved for this category was 1,218,303€ which we divided in 2 and the budget approved for lawyers being 609,151.5€.
FREE LEGAL AID AGENCY COMMENT: Based on the budget law No. 08/L-260, a budget of 537,831.00 € was allocated to the Free Legal Aid Agency in the following categories: Salaries and allowances 307,831.00 € goods and services 220,000.00 €;, and utilities 10,000.00 €.

(2022): Budget increased

(2021): In KPC budget categories we don’t have separate category for budget for lawyers, but the budget code is named “legal representation cost” which include lawyers and experts. The total budget approved for this category was 843,959€ which we divided in 2 and the budget approved for lawyers being 421,979.5€.
As for the discrepancies, they are due to Covid pandemic aftermath and budget review.

(2020): In this year, we have been able to obtain the data for categories 'cases brought to court and cases not brought to court' for criminal cases too. The budget concerning cases not brought to court is managed by Kosovo Prosecutorial Council(KPC), while the Budget concerning cases brought to court is managed by the Kosovo Judicial Council(KJC). Therefore, for cases not brought to court, we have used the data offered by KPC, while for cases brought to court, we have used the data from KJC.

Question 013

Albania

(2023): We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

(2021): Performance throughout 2021, the first year of full capacity operation of the free legal aid mechanism, has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid and exemption from court fees and costs. We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

(2020): The above data is referred to the implemented/ allocated budget of Free Legal Aid Directorate for 2020. The difference between allocated budget and implemented budget has come as a result of delays in the recruitment of FLAD staff but also employees of primary legal aid service centers in the districts of the Republic of Albania. Also, another factor is related to the financing procedures of 12 authorized non-profit organizations which provide primary legal aid, a procedure which is expected to start in March 2021.
Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerate number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. (the Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision). Hence, all these activities, were supported by an increased budget.

Bosnia and Herzegovina

(General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

(2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Montenegro

(2024): Courts in 2024 had an individually determined amount for providing BPP, it is contained within account 4146-advocate services and it amounted to €145,517.85. In 2024, €91,801.16 was realized for free legal aid. The remaining funds in the amount of €53,716.69 were returned to the State Treasury.

(2023): Not including ex officio mandatory representation. Legal aid is different specific category

(2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

(2020): A smaller number of requests for free legal aid were adopted, thus less money was spent.

North Macedonia

(2024): The amount of the approved budget was exceeded due to an increased number of requests and amounts, and payments were made from other lines of the budget of the Ministry, through repurposing.

(2023): In 2023, more criminal cases brought to court were concluded. The rise in the budget allocated to criminal cases may also be attributed to the complexity of these cases and their longer durations, resulting in higher expenses for lawyers.

(2022): Implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in our country.

(2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are payed according to the Lawyers tariff, which was not a case in the previous years.

(2020): The budget for the legal aid in criminal cases is composed by: the budget for ex-officio lawyers according to the Law on Criminal procedure and the poor law budget. There are no other criminal cases, except criminal cases brought to court.
A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.

Serbia

(2024): We received all the information from the relevant institutions.

(2023): Official data obtained from the Sector for financial affairs in the MOJ
Annual implemented public budget for the High Judicial Council for mandatory defense 11469009 EUR.
In question 012 we counted only free legal aid. I see now we made a mistake.

(2022): Please note that the total amount refers only to the cases of granted free legal aid according the Law on free legal aid. This amount does not cover the free legal aid that was provided according to the Criminal Procedure Code (mandatory defense, etc.)
Q013: TOTAL - Annual implemented public budget allocated to legal aid (1 + 2) - 92056 euros. A greater number of cases of free legal aid in 2022 resulted in a greater amount of money spent on the provided free legal aid. The amount for 2022 is higher compared to the previous two years, taking into account that during 2022 all measures against covid-19 were canceled.

(2021): The budget for the Legal Aid is executed based on the requests from the municipalities (local governments) and can cover only up to 50% of the total budget spent annually by municipalities (local governments), based on the Law on Legal Aid.
The Legal Aid does not include "mandatory representation in criminal cases" by lawyers, before the Serbian courts, which is the cost covered by the High Judicial Council.

(2020): TOTAL - Annual implemented public budget allocated to legal aid (1 + 2)
If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:
Data shall be available for the next report.

Kosovo*

(2024): The Free Legal Aid Agency has spent a total budget of €476,000.14, according to these categories: Salaries and allowances 264,271.70 €, Goods and services 203,873.54 € and Municipal services 7,854.90 €.
The reason why the budget was not spent in full is due to the non-recruitment of the anticipated positions.
The budget of the Free Legal Aid Agency is not divided into separate parts for criminal cases and for other cases, but legal aid is offered in all legal fields; Civil, Administrative, Criminal and Misdemeanor, to all those citizens who fulfil the criteria based on law no. 04 / L-017 on Free Legal Aid or if they one of the special beneficiary categories of free legal aid based on law no. 08/L-035 for the amendment and completion of the law no. 04/l-017 for free legal aid.
During 2024, the agency provided free legal aid to 8049 citizens. In the administrative procedure free legal aid was offered to 5853 citizens, in the civil procedure to 1887 citizens, in the criminal procedure to 270 citizens and in the misdemeanor procedure to 39 citizens.
Out of 8049 cases, the FLAA, through its officials, handled 7428 cases.
While 621 cases were referred to the lawyers who took actions for the parties, 562 of them in civil procedure, 12 in administrative procedure and 47 in criminal procedure).
In 2024 in the economic category, the expenses of representation and advocacy have been paid a total of €145,620.00, as well as about €1,145.00 are debts from the year 2025, which have been processed for payment in the budget of the year 2025. These expenses of the lawyers are expenses of the lawyers who are engaged over the years, not just in 2024.

(2021): As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was increased.

(2020): There is a difference between the approved and the implemented budget for Legal Aid, mainly because of the pandemic Covid 19. However, in the category "cases not brought to court" in criminal cases, the discrepancy between the approved and implemented budget is because the approved budget includes legal aid and expertise. At this moment, we are not been able to localize only the budget dedicated to legal aid. The courts have been dealing only with emergency cases for two and a half months in 2020(mid-March to June). However, even after the June, courts have not worked in their full capacities, because the Codiv-19 situation deteriorated again in July. The budget was reviewed in June, and significant reallocation in the budget were made. And of course, due to the lockdown, the number of criminal cases was lower compared to previous years and consequently, a part from the budget allocated to legal aid for criminal cases was reallocated.

Question 013-2

Albania

(General Comment): Persons who have the right to receive secondary legal assistance, according to articles 11 or 12, of this the law, enjoy the right to exemption from:
a) payment of general and special fees, according to the provisions of the law on court fees in the Republic of Albania;
b) payment of court expenses (expenses for witnesses, experts, translators and inspection of items or on-site inspection), according to the provisions of the procedural legislation;
c) the obligation to prepay the fee for the execution of the execution order at the service state judicial enforcement.
1. Exemption from the payment of court fees and court expenses is granted on the basis of a request
which is drawn up according to the request form approved by the Minister of Justice.
2. The request for exemption from the payment of court fees and court expenses may
presented:
a) together with the request for secondary legal assistance;
b) attached to the claim, in accordance with the provisions of the procedural legislation;
c) at any stage of the process, until the judicial investigation is declared closed.
3. In the request for exemption from the payment of court fees and court expenses may exemption from payment of one, some or all court fees and/or costs is requested judicial, according to the provisions of Article 25 of this law.
4. The request for exemption from the payment of court fees and court expenses may presented by the person who enjoys the right to be exempted from paying court fees and court costs, by a legal representative or with a power of attorney, or by the spouse, cohabitant or first degree relative.
5. The request for exemption from the payment of court fees and court expenses may presented in person or through the postal service.
The request for exemption from the payment of court fees and court expenses is submitted to
the competent court for examining the case in substance.
2. The court examines the request in accordance with the provisions in the procedural legislation and, as far as it is possible, with the provisions of Article 22 of this law.
3. The court, in accordance with the provisions of this law and the provisions of the procedural legislation, after review of the request decides:
a) acceptance of the request for exemption from the payment of court fees and court expenses;
b) dismissal of the request for exemption from the payment of court fees and court expenses.
Against the decision of the court, an appeal can be made to the court of appeal, according to the provisions of the article 22 of law.
4. The decision to accept the request for exemption from the payment of court fees and expenses court is immediately notified to the Directorate of Free Legal Aid.
The court decision on the exemption from the payment of court fees and expenses constitutes a title executive and executed in accordance with the provisions of the procedural legislation.
2. The payment of court expenses, for which the exemption has been established, is covered by the budget approved for the Ministry of Justice and paid by the Directorate of Free Legal Aid.
3. Payments made by the Free Legal Aid Directorate, according to point 2 of this article, cannot exceed the amount of remuneration for experts

(2023): Article 3 (h) of law no : 111/2017, « On lega laid guaranteed by state » defines the term “Exemption from court fees and costs” as a form of free-of-charge legal aid, for the exemption from payment of court fees and other court costs, by decision of the competent court, if the criteria imposed by this law are fulfilled. Article 3 (i) and (j) define the terms • “Court fees” as the fee in accordance with the definition provided by the legislation in force on court fees in the Republic of Albania and • ”Court costs” as the expenses made in the framework of the judicial proceeding, necessary for adjudication in accordance with the meaning given in the procedural legislation, except for the court fee.

(2021): The court costs for the beneficiary citizens are paid/covered by the Free Legal Aid Directorate according to the procedures for the payment of court costs (Article 28 (2)). The bylaw on the remuneration of experts and witnesses (Art 28 (3)) and the procedures for the payment of court costs (Art 28 (4), 7 (gj)) regulate with which amount and when experts and witnesses are paid.

Bosnia and Herzegovina

(General Comment): The exemptions from court fees are not calculated nor presented in financial documents (budgets, reports etc).
The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

Montenegro
(General Comment): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately

(2024): mandatory representation in courts, ex officio lawyers not included in legal aid budget

(2023): Courts in Montenegro do not have a set amount that applies only to free legal aid.

North Macedonia
(2021): According to procedural laws and Law on free legal aid.

Serbia
(General Comment): The Law on Civil Procedure, Article 168:
The court shall exempt from payment of the costs of the proceedings a party who, due to his general financial situation, is not able to bear these costs.
Exemption from payment of costs of proceedings includes exemption from payment of fees and exemption from advance payment for costs of witnesses, experts, on-site inspections and court announcements.
The court may also exempt a party from paying the fee, in accordance with a special law.
When making a decision on exemption from paying the costs of the procedure, the court considers all the circumstances, and especially takes into account the value of the subject matter of the dispute, the number of persons supported by the party and income and property owned by the party and its family members.

Kosovo*
(2022): FLAA for its cases before the court is exempted from court fees.

(2021): NA

Question 086

Albania

(2024): Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 100% accepted.
Based on the administered data, it results that 64 requests for secondary legal aid (which include representation in court) out of 340 in total are not accepted by the court. We don't do an administration of how many criminal cases granted legal aid cases.
TOTAL: Cases not brought to court (Primary Legal Aid + Secondary Legal Aid) 6220 (primary legal aid) + 66 (secondary legal aid not accepted legal aid) 6286
In criminal cases: Cases not brought to court (Primary Legal Aid + Secondary Legal Aid) 425(primary legal aid) + 5(secondary legal aid not accepted legal aid) 430
In other than criminal caseS: Cases not brought to court (Primary Legal Aid + Secondary Legal Aid) 5795 (primary legal aid) + 61 (secondary legal aid not accepted legal aid) 5856
These are the finals result for year 2024. It was made a mistake because we hadn't have this type of statistical data collected and another analyze was made.
Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 100% accepted. That is because Primary Legal Aid, is the type of legal service which consists in:
• information about the legal system in the Republic of Albania, applicable normative acts, rights and obligations of subjects of the law, and on the ways on how to exercise such rights in judicial and extrajudicial processes; • consultation; • consultation about mediation procedures and alternative resolution of disputes; • assistance in drafting and compiling documents necessary to put the state administration in motion or to seek secondary legal aid; • representation before administrative bodies; • any other type of necessary legal support that is not included in secondary legal aid.
And as a result it is given for all the citizens that request it in the Primary Legal Aid Service Center (20 Primary Legal Aid Centers, function in 20 cities of Albania), by 15 NGO-s operating for the year 2024 and by 13 Legal clinics at the higher education institutions.
While the Secondary Legal Aid (representation by an advocate in a court procedure), it is provided by advocates included in the list approved by the National Chamber of Advocates upon the request (according to the form) of the person entitled to receive secondary legal aid. The request has to be addressed to the competent court. The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted, where the court accept or not to give the legal aid (representation by an advocate in a court procedure or exemption from payment of court fees, court costs and from the obligation for prepayment of fees for initiating execution of the execution order). 177 advocates have signed the contract for the provision of the secondary legal aid service for 2024.
The ex officio lawyers) cases aren't included in this count, because the Legal Aid advocates are not the same with ex officio lawers. The Legal Aid advocates sign every year a contract with Free Legal Aid Directorate, which legitimate them the representation in court for legal cases.

(2023): Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 100% accepted.
Based on the administered data, it results that 44 requests for secondary legal aid (which include representation in court) out of 773 in total are not accepted by the court.

(2022): As for the year 2022, 7616 citizens have been treated with primary legal aid and 1030 court decisions have been administered with the object of secondary legal aid.
During 2022 according to the scope of court cases that citizens have requested secondary legal assistance, it is evident that they are mainly civil cases. Out of the total number of requests for legal aid of 1030, 691 of them are civil, where the main ones are marriage settlement, pension benefits and property conflicts. While the other two categories, where 70 are criminal and 269 are administrative cases.

(2021): We highlight that Instruction No. 1, dated 08/03/2019 of the Minister of Justice on "The approval of rules and procedures for the collection, completion, and administration of registers´ data" determines that: Each state-guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted to receive state-guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. More detailed data can be found at the link: https://ndihmajuridike.gov.al/publikime

(2020): The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of •Primary Legal Aid (“out of court support”)
•Secondary Legal Aid (representation by an advocate in a court procedure) and the
•Exemption from court fees and court costs.
Primary legal aid is defined in Article 3 (b) of law no. 111/2017.It comprises -providing of information regarding the legal system and legal acts, -the delivery of counselling, -the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions,
-the delivery of assistance in drafting and establishing of documentation to -representation before administration bodies, -the delivery of all other forms of necessary legal support not constituting secondary legal aid.
The possible providers of primary legal aid are
•Specially trained officers in primary legal aid service centers (or other premises) (Article 14)
•NPOs providing primary legal aid (Article 15)
•Legal clinics (Article 3 (ë)) providing legal aid (Article 16).
Secondary legal aid is (Article 18)
•provided by advocates included in the list approved by the National Chamber of Advocates, •upon the request (according to the form) of •the person entitled to receive secondary legal aid under articles 11 or 12 of this law. Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates
Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.
Also, we highlight that the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers´ data” determines that: Each state guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted in order to receive state guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. Consequently, in the conditions when the data on the cases handled during February are reported within 5 March 2021, the cases handled by primary and secondary legal aid providers for February 2021, are not included in this report.

Bosnia and Herzegovina
(General Comment): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given trough representation in court and cases in which free legal aid was given for the costs of proceedings.
Other cases brought to court: cases in which free legal aid was given trough representation in court and the preparation of legal documents, cases in which free legal aid was given only trough preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.
Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given trough legal advice only by the government founded free legal aid institutions.
Free legal aid is provided in courts and by the specialized free legal aid institutions formed by the different levels of government in Bosnia and Herzegovina. Free legal aid is provided by the courts in criminal proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law. Also, the courts make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). Employees of institutions providing free legal aid represent the party in various types of court proceedings, compose legal documents and give legal advice to a person who meets financial and property criteria. The data refer to the number of cases in which courts and institutions of free legal aid provided legal assistance in the described ways. It is important to that the number of persons who received free legal aid may be higher than the number of cases in which free legal aid was provided.

(2020): Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of measures combating the spread of coronavirus.

(2019): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given trough representation in court and cases in which free legal aid was given for the costs of proceedings.
Other cases brought to court: cases in which free legal aid was given trough representation in court and the preparation of legal documents, cases in which free legal aid was given only trough preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.
Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given trough legal advice only by the government founded free legal aid institutions.

Montenegro
(2020): The total number of filed requests for free legal aid in 2020 is 365. Unfortunately, we are not able to provide other data under question 86.

North Macedonia
(2021): In 2021 there were 1610 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 3 cases referred to the court for which court granted free legal aid (Defense of indigent persons). In 2021, the law on free legal aid was implemented, a campaign was launched to promote free legal aid, which led to increased number of submitted and approved requests for free legal aid.

(2020): In 2020 there were 1586 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 2 cases referred to the court for which court granted free legal aid (Defense of indigent persons). Additionally in the same year there were 20 civil cases referred to the court for which court granted free legal aid and 137 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid. According to the new Legal aid which start with implementation in October 2019, in 2020 we have significantly increasing of the number of cases where primary legal aid was given. Primary legal aid according to the new law can give Ministry of justice, Associations registered in the Ministry of justice for giving on primary legal aid and legal clinics.

Serbia

(General Comment): The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. Staff in LSG decide on the applications pursuant to Articles 4 and 7 of the Law (eligibility). Article 67 of the Constitution of RS provides that everyone shall be guaranteed the right to legal aid under conditions stipulated by the law. Legal aid is provided by lawyers, as an independent and autonomous service, and legal aid offices established in the units of local self-government in accordance with the law. The court shall exempt a party from the liability of paying the costs of the proceedings where that party's material situation does not allow him/her to bear such costs. Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices.

(2024): This number represents the total number of approved requests for free legal aid support. It includes criminal and other than criminal cases, taking into account that records are not kept by type of procedure.

(2023): Number of decisions of granting legal aid by municipalities
Ex-officio lawyers are not counted here

(2021): Please note that total data only refers to cases where legal aid is granted according to Law on Free Legal Aid, due statistic data for cases in which legal aid was granted according to Criminal Procedure Code, are not available.
This year, data from some Local Self-government units indicate that there were fewer requests than in previous ones reporting periods, which may be related to the changed functioning of the local governments due to the situation caused by COVID19. It is necessary for to enable citizens submitting requests for free legal aid even when entry to the premises of local self-government unit is not allowed for epidemiological reasons. Requests must be available to all citizens in a clearly defined and visible place.
At the same time, there are local self-government units that did not submit a report
to the Ministry of Justice so it can be concluded that there were no requests in those LSU.

(2020): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data were not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid.

Kosovo*

(2024): This number does not include ex officio cases

(2021): From the cases handled by legal aid officers in 2021, initiated by the beneficiaries of free legal aid, through the Agency for Free Legal Aid, legal actions are addressed to the following institutions and state bodies:
- Courts - 2255 legal actions
- Municipalities and municipal bodies - 747 legal actions
- Ministries and ministerial bodies - 1214 legal actions
- Other public and private bodies - 323 legal actions

In the reporting period for 2021, 467 lawyers were engaged, of which 425 in the civil field, 22 in the administrative field and in the criminal field 20. Of these, 30 cases were successfully completed, 26 in the civil field, 4 in the administrative field and 5 cases have been terminated, while 432 cases are still pending.

(2020): This year we have been able to generate the complete data for this category. Considering that the budget for Legal Aid is divided between three institutions, data on number of cases is also divided. So, this year we were able to obtain data on the number of cases when Ex officio Lawyers were paid by Kosovo Judicial and Kosovo Prosecutorial Councils. We have used the data from KJC for the cases brought to court and the data from KPC for cases not brought to court.

Question 086-0

Bosnia and Herzegovina

(General Comment): The courts and the specialized government institutions provide free legal aid to citizens in relation to court proceedings.
Free legal aid is provided by the courts in criminal proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law (e.g. obligatory defense etc.) Also, the courts may make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). In addition, free legal aid centers have been established by the legislation adopted at all levels of government as a part of the respective public administration system. Employees of free legal aid institutions represent the citizens in various types of court and non-court proceedings or give legal advice to the citizens and compose legal documents for them. Citizens are entitled to free legal aid provided by the legal aid institutions if they fulfill financial and property criteria prescribed by the relevant legislation.

North Macedonia
(General Comment): LAW ON FREE LEGAL AID
Article 4
Providers of free legal aid
(1) Free legal aid shall be provided under the conditions and in the procedure stipulated in this law.
(2) Free legal aid may be provided as preliminary legal aid and secondary legal aid.
(3) Preliminary legal aid shall be provided by authorised Ministry staff, an authorised association or a legal clinic (hereinafter: providers).
(4) Secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorisations in accordance with the provisions of this law.
(5) The funds for approving free legal aid and the costs of the provided legal aid in the proceedings stipulated in this law shall be provided from the Ministry budget, as well as from donations and other income in accordance with the laws.
(6) Approved secondary legal aid may be revoked in accordance with the provisions of this law.
(7) In cases stipulated herein, the beneficiary shall reimburse the costs of the secondary legal aid, in full or partially.
(8) The minister of justice shall prescribe the procedure for providing free legal aid.
PRELIMINARY LEGAL AID
CHAPTER I
GENERAL PROVISIONS
Article 5
Right to preliminary legal aid
Any natural person with domicile or residence on the territory of the Republic of North Macedonia shall be entitled to preliminary legal aid.
Article 6
Scope of preliminary legal aid
The scope of preliminary legal aid is the following:
- initial legal advice on the right to use free legal aid;
- general legal information;
- general legal advice;
- assistance in completing the secondary legal aid application;
- assistance in filling out forms issued by administrative authorities in an administrative procedure for social welfare and protection of children’s rights; pension, disability and healthcare

Serbia
(General Comment): The Law on Free Legal Aid ("Official Gazette of RS", No. 87 of November 13, 2018, in force from October 1st 2019): The purpose of this law is to provide every person with effective and equal access to justice. Free legal aid consists of providing legal advice, drafting submissions, representation and defending in courts. When person applies for free legal aid, he/she must address to local self-government unit, which is entitled to approve/reject the request for granting free legal aid. If the request is granted, the person will be provided free legal aid by the benefactor who must be registrated on a list of benefactors kept by the Minister of Justice. Benefactor are lawyers, mediators, notaries, employees of the self-government unit, Faculties of Law and association which are registrated to provide legal aid in matters of asylum and discrimination. The request for granting free legal aid can be submitted personally or legal representative or attorney, can submit it on their behalf. The Criminal Procedure Code, Article 59:
When criminal proceedings are conducted for a criminal offense for which a sentence of imprisonment of more than five years may be imposed by law, court may, at the request of injured party, appoint a proxy (from the list of lawyers submitted to the court by the competent bar association) if it is in the interest of the proceedings and if the injured party financial situation, cannot bear the costs of representation.
Article 77: Defendant who, due to his financial situation, cannot pay the defense attorney's fee and expenses, will be assigned attorney at his request, if criminal proceedings are conducted for a criminal offense punishable by imprisonment for more than three years. In that case, the defense costs are borne by the court's budget.

Question 086-0-0

Albania

(General Comment): Article 5 of Law Nr.111/2017, determines the Forms of legal aid, provided in the following forms:
a) primary legal aid;
b) secondary legal aid;
c) exemption from payment of court fees and court expenses, according to the law, and exemption
from the obligation to prepay the execution fee of the execution order.
Primary legal aid is defined in Article 3 (b) and also Article 3 of Appendix 1 of the Order of the Minister of Justice No 226 dated 25/3/2019 on 'The approval of the contracts of legal aid guaranteed by the state". It comprises • providing of information regarding the legal system and legal acts, • the delivery of counselling, o which "is the delivery of information on the manners and the possibilities of solution of a concrete legal matter" (Article 3 (ç)) • the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions, • the delivery of assistance in drafting and establishing of documentation to o put in motion the state administration or o for requesting secondary legal aid • representation before administration bodies, o Secondary legal aid is only provided before (administrative and civil) courts, and • the delivery of all other forms of necessary legal support not constituting secondary legal aid.
According to Article 3 (c) "Secondary legal aid" is the legal service that is offered for • the compilation of the necessary legal acts for putting in motion the court (i.e. the pre-court phase), • the delivery of counselling, representation and defence before the court in o administrative and o civil and o in criminal cases • for which is not applied the mandatory defence in accordance of the criminal procedural legislation. That means that in this respect the Law on Legal Aid is subsidiary to the Code on Criminal Procedure.

Bosnia and Herzegovina
(General Comment): Legal aid is exercised in different types of court proceedings as a right to:
a) general information on rights and obligations,
b) legal advice and assistance in filling out forms,
c) legal assistance in compiling all types of correspondence,
d) representation in court,
e) making an appeal and
f) legal assistance in the procedures of peaceful settlement of the dispute (e.g. mediation).

North Macedonia
(General Comment): Article 75 Criminal procedure law
Defense of indigent persons
(1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.
(2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.
(3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

Question 086-1

Albania
(2024): In the table are given the data for all the recepients/cases that are registered in our data, but for some of them the court has decided not to give the free legal aid, because they don't meet the criteria according to the law.
In our data we haven't identified that several family members benefit from free legal aid for the same case. Since asstated above, free legal aid is granted for the same person if the court identifies that the case and the problems it presents have a different object.

(2023): The reflected data includes the period September 2023-January 2024. We highlight that Instruction No. 1, dated 08/03/2019 of the Minister of Justice on "The approval of rules and procedures for the collection, completion, and administration of registers´ data" determines that: Each state-guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted to receive state-guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. More detailed data can be found at the link: https://ndihmajuridike.gov.al/publikime
Based on the administered data, it results that the cases of primary legal aid (which do not include representation in court) are 95% of civil and administrative cases and 5% of criminal cases.
Based on the administered data, it results that the cases of secondary legal aid (which include representation in court) are 93% of civil New - Cases brought to court- Nr. of court decisions, Secondary Legal aid
Cases not brought to court – Nr. of Primary legal aid. Provided by Primary Legal Aid Centers (employees with
special training), from authorized non-profit organizations and from legal clinics near higher education
institutions.

Bosnia and Herzegovina

(2023): In the relevant reports for 2023, as in 2022, there was a slightly higher number of beneficiaries of free legal aid than the number of cases in which free legal aid was provided. The institutions for the provision of free legal aid explained that this difference was recorded because certain number of individual users were registered two or more times during the same year as recipients of different legal services.

Serbia

(2024): This number represents the total number of approved requests for free legal aid support. It includes criminal and other than criminal cases, taking into account that records are not kept by type of procedure.

(2023): The entered total number is the one related to all approved request for free legal aid.

Question 087

Albania

(General Comment): According to Article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". In a given case, all three forms can be granted to an individual, as long as it fulfills the criteria. There are two categories that benefit legal aid: (a) special categories of individual (b) legal aid in case of insufficient income and property.
(a) special categories of individuals
Legal aid shall be granted to the following persons, regardless of their income and their property:
a) victims of domestic violence;
b) sexually abused victims and human trafficking victims, at any stage of a criminal proceeding;
c) minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
ç) children living in social care institutions;
d) children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian;
dh) persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness;
e) persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health;
ë) persons undergoing voluntary treatment in mental health service institutions for serious mental diseases;
f) persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding;
g) persons with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian.
gj) persons who are beneficiaries of social protection programs.
h) persons to whom the right has been infringed through an action or inaction that constitutes discrimination on the basis of the decision of the competent organ, according to the legislation in force for protection from discrimination.
(b) legal aid in case of insufficient income and property

Bosnia and Herzegovina

(General Comment): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which increased considerably in 2022. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

(2020): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

(2019): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

Montenegro

(General Comment): The property is not priced according to the amount. In accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by :a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.
The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.
The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.
The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount , whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are :
1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.
2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.
Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.
The following is not considered property flat or residential building in the extent to:
- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,
- three-bedroom apartment for a family of four or more members;
2) agricultural land or commercial forest area up to:
- 20 a (are) for an individual,
- 30 a (are) for a family with two members,
- 40 a (are) for a family of three members,
- 50 a (are) for a family of four members,
- 60 a (are) for a family of five or more members;
3) other land area up to 2 hectares, other than urban construction land

Serbia

(General Comment): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.
The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person’s family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the Republic of Serbia; 7) a refugee, a person enjoying subsidiary protection or an internally displaced person; 8) a disabled person; 9) a child protected by using accommodation services in the social welfare system; 10) a child or a young person no longer using accommodation services until the age of 26; 11) an adult or an elderly person placed in a social welfare institution against his will; 12) a person exercising the right to have his time and place of birth established under the law governing non-adversarial proceedings; 13) a person who has been affected by forceful displacement or relocation pursuant to the law governing residence.
For the category B, the income up to 34.870 rsd per month is prescribed in the relevant bylaw as the amount placing an individual in the eligible category for free legal aid (i.e. 3.546 EUR annually). The applicant’s house or immovable property utilized for work or a vehicle utilized for work are excluded from calculation of one’s financial status.

Kosovo*

(General Comment): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:
1.1. primary and
1.2. secondary.
2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or
are in similar situation with persons acquiring the right from social aid.
3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower
than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for both primary and secondary legal aid. The exact amount is defined based on the service offered (ex. Representation, Lawsuit, etc.).

(2020): We do not have official data regarding the average family incomes for 2020.

Question 088

Albania

(2021): The classification of full and partial legal aid is not a classification provided by law no. 111/2017, law. According to article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". Criteria for Legal Aid are stipulated in articles 11 and 12 of the law no. 111/2017
Special categories of beneficiaries of legal aid (article 11)
Article 11 mentions groups of persons who qualify for legal aid irrespective of their income and/or property. The groups covered by Article 11 can be divided into subgroups as follows: • Victims: o victims of domestic violence; o sexually abused victims and human trafficking victims, at any stage of a criminal proceeding o minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
• Children: o children living in social care institutions; o children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian
• Other vulnerable persons: o persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness; o persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health; o persons undergoing voluntary treatment in mental health service institutions for serious mental diseases; o persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding o person with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian • persons who are beneficiaries of social protection programs • persons to whom the right has been infringed through action or inaction that constitutes discrimination based on the decision of the competent organ, according to the legislation in force for protection from discrimination.
Article 12 (Insufficient Income and Property)
Article 12 defines under which circumstances persons with sufficient income/property
1. The right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counseling, representation, and/or defense in criminal cases, administrative, and civil law cases. 2. The income of a person living in a household shall be considered insufficient in the meaning of paragraph 1 of this article, if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage, as defined according to the legislation in force. 3. The income of a person, not living in a household, shall be considered insufficient if it is lower than the level of the monthly minimum wage, as defined according to the legislation in force.
4. If a person living in a household requests legal aid for a case against another member of the same household, paragraph 2 shall not apply. The income of this person shall be considered insufficient if it is lower than the level of the minimum wage, as defined according to the legislation in force.
5. The property of a person shall be considered if its total value does not exceed the value of 36 monthly minimum wages, as defined according to the legislation in force.

Bosnia and Herzegovina

(2021): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which rose considerably in 2021. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

North Macedonia

(General Comment): North Macedonia has dual system of legal aid. First one through Ministry of Justice according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).
According to the Article 15 of the new Law on free legal aid, which started with implementation in October 2019, the following persons are eligible to apply for secondary legal aid:
-a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
-a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
-a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
-asylum seekers.
*The Law on free legal aid
CHAPTER II. CRITERIA FOR APPROVING SECONDARY LEGAL AID
Article 17
General criteria for approving secondary legal aid
(1) The secondary legal aid applicant (hereinafter: the applicant) shall be entitled to secondary legal aid if their financial standing prevents them from exercising their constitutional and legal rights without jeopardising their livelihood and the livelihood of the family members in their household.
(2) The financial standing of the applicant and their family members shall be established on the grounds of a written statement on their financial standing (hereinafter: the statement) provided by the legal aid applicant as part of the secondary legal aid application.
(3) The applicant shall be approved secondary legal aid if:
-they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or
-they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.
(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.
(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing of their family members in the written statement on their financial standing for the purpose of having secondary legal aid approved, the secondary legal aid application shall be declined and the application shall not be able to file a new secondary legal aid application prior to the expiry of 12 months from the delivery of the notification.
(6) In establishing the financial standing of the applicant and their family members, the income and property of the family members who appear as an opposing party in the procedure subject to the secondary legal aid application shall not be taken into account.
Article 18

(2024): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.
"Official Gazette of RNM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published
With the changes and additions:
The methodology for calculating the amount of the minimum wage is changed;
The amount of the minimum wage for the period March 2024 to February 2025 is prescribed (33 352 gross or 22 567 denars net);

(2023): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.
"Official Gazette of RSM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published
With the changes and additions:
The methodology for calculating the amount of the minimum wage is changed;
The amount of the minimum wage for the period March 2022 to February 2023 is prescribed (26,422 gross or 18,000 denars net);

(2022): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.
"Official Gazette of RSM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published
With the changes and additions:
The methodology for calculating the amount of the minimum wage is changed;
The amount of the minimum wage for the period March 2022 to February 2023 is prescribed (26,422 gross or 18,000 denars net);

(2021): According to article 18 of the Law on free legal aid provided below, assets for granting free legal aid are evaluated depending of the monthly minimum net wage which is 247 euros for 2021. However, the annual income would be 2964 euros, but this amount is not considered in the process of granting free legal aid. Income requirements
(1) The financial standing of the applicant and their family members shall be considered jeopardized by the procedure costs if:
- the monthly income of the applicant living alone does not exceed the minimum net wage in the Republic of North Macedonia, set by the regulations in the area of minimum wage;
- the monthly income of the applicant living in a household with their family members does not exceed the minimum net wage of paragraph (1), item 1, hereof, and the monthly income of each subsequent family member does not exceed 20% of the minimum net wage set by the regulations in the area of minimum wage.
(2) The following is considered monthly income of the legal aid applicant and their family members:
- net wages;
- pension in the Republic of North Macedonia or abroad;
- financial benefit for unemployment;
- reported or earned net income in the Public Revenue Office;
- income from financial support in agriculture and rural development from the preceding year;
- military or civil disability;
- income from temporary work abroad;
- income from financial instruments;
- income from real estate;
- funds with a payment operations carrier;
- legal support; and
- gifts subject to corporate income tax in accordance with the provisions of the Law on Income Tax.
(3) The following is not considered income under paragraph (2) hereof:
- compensation for support and care by another person;
- parental benefit for children;
- child benefit and special benefit;
- disability benefit;
- welfare benefit;
- continuous financial aid;
- one-off financial aid and aid in kind;

Serbia

(2024): Applicants for free legal aid must have an annual income value (net) equal to or less than 4854 euros for free legal aid to be granted.
Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.
In the RS, the property status of the applicant for free legal aid is taken into account as a criterion for approving free legal aid. The Law on Free Legal Aid does not recognize partial legal aid.
Article 4 of the Law prescribes the conditions for providing free legal aid. The aforementioned article stipulates that free legal aid can be granted: 1) to an applicant who meets the conditions to be a beneficiary of the right to cash social assistance in accordance with the law governing social protection or a beneficiary of the right to child allowance in accordance with the law governing financial support and 2) to a person who does not meet the conditions to be a beneficiary of cash social assistance or child allowance, but due to the payment of legal aid from his income, he would fulfill these conditions and only in this second case is the income criterion provided for in the Rulebook on remuneration and the detailed content of the application form for the approval of free legal aid taken into account help.
The Rulebook (Art. 6) stipulates that the applicant fulfills the conditions for the approval of free legal aid if the monthly income of the applicant is not higher than the minimum wage determined by the Government in accordance with the law. In addition to the amount of income provided by the Law, the data on real estate owned by the applicant for free legal aid is also taken into account, so it is stipulated that the applicant exercises the right to free legal aid if the immovable property is used as a living space or the immovable property is used to perform an activity that serves to support the applicant or of a family member, that is, a joint household. Also, the Rulebook stipulates that when deciding on the merits of a request for the approval of free legal aid, the value and purpose of the vehicle is taken into account, so it is prescribed that the applicant exercises the right to free legal aid if the vehicle is used for self-employment or the value of the vehicle does not exceed the annual minimum wages determined by the Government in accordance with the Law.
Article 4 of the law provides for certain categories of persons who exercise the right to free legal aid without taking into account other criteria and refers to the following persons:
1) a child whose right, obligation or interest based on the law is decided in a proceeding before a court, another state body, or a public authority body; 2) to a person subject to a security measure of compulsory psychiatric treatment and custody in a health institution or a protective measure of compulsory psychiatric treatment; 3) the person against whom the procedure of partial or complete deprivation or

(2023): Applicants for free legal aid must have an annual income value (net) equal to or less than 3963 euros for free legal aid to be granted.
Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.
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The Rulebook (Art. 6) stipulates that the applicant fulfills the conditions for the approval of free legal aid if the monthly income of the applicant is not higher than the minimum wage determined by the Government in accordance with the law. In addition to the amount of income provided by the Law, the data on real estate owned by the applicant for free legal aid is also taken into account, so it is stipulated that the applicant exercises the right to free legal aid if the immovable property is used as a living space or the immovable property is used to perform an activity that serves to support the applicant or of a family member, that is, a joint household. Also, the Rulebook stipulates that when deciding on the merits of a request for the approval of free legal aid, the value and purpose of the vehicle is taken into account, so it is prescribed that the applicant exercises the right to free legal aid if the vehicle is used for self-employment or the value of the vehicle does not exceed the annual minimum wages determined by the Government in accordance with the Law.
Article 4 of the law provides for certain categories of persons who exercise the right to free legal aid without taking into account other criteria and refers to the following persons:
1) a child whose right, obligation or interest based on the law is decided in a proceeding before a court, another state body, or a public authority body; 2) to a person subject to a security measure of compulsory psychiatric treatment and custody in a health institution or a protective measure of compulsory psychiatric treatment; 3) the person against whom the procedure of partial or complete deprivation or restoration of business capacity is being conducted; 4) to a person who provides legal protection against domestic violence; 5) to a person who obtains legal protection from torture, inhuman or degrading treatment or punishment or human trafficking; 6) to a person seeking asylum in the Republic of Serbia; 7) refugees, persons under subsidiary protection or internally displaced persons; 8) a person with a disability; 9) a child who is protected by the accommodation service in the social protection system; 10) children and young people whose social housing service has ended until they reach the age of 26; 11) adults and elderly persons who are placed in a social welfare institution without their consent; 12) to a person exercising the right to determine the time and place of birth in accordance with the law regulating non-litigation proceedings; 13) to a person affected by the procedure of forced eviction and resettlement in accordance with the law regulating housing.

(2022): Applicant for free legal aid must have annual income value (net) equal or less then 3546 euros in order for free legal aid to be granted.
Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.

(2021): Rulebook on the form and detailed content of the application form for granting free legal aid - Article 6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.
The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.

Kosovo*

(General Comment): Free legal aid is provided to all persons who fulfill the criteria as follow: 1.1. qualification criteria; 1.2. financial criteria; and 1.3. legal criteria. According to the financial criteria, the legal aid is provided: 1.1. primary and 1.2. secondary. 2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid. 3. The Secondary legal aid shall be provided to all persons who’s gross family incomes are lower than the average family incomes. Primary legal aid is provided to: - All persons who benefit from the right from social assistance or are in a situation similar to persons who benefit from the right from social assistance (victims of violence, marginalized groups, beneficiaries of all categories of social and pension schemes provided by the state and other schemes which are financed by the Ministry of Education, Culture, Sports, Science and Technology of RK). - All persons who are in a similar situation to persons who benefit from the right to social assistance. All applicants for free legal aid who are not beneficiaries of social schemes but whose economic situation is similar to those who live on social aid are considered such. b. Secondary legal aid Secondary legal aid is offered to all persons whose total family income is less than the average family income. Regardless of the criteria required in Article 8 and 9 of the basic law, free legal aid is offered to special categories of beneficiaries of free legal aid such as: 1.1. sexually abused persons during the war in Kosovo in 1998-1999; 1.2. victims of domestic violence; 1.3. victims who witnessed violence, who are dependent on victims of domestic violence; 1.4. victims of gender-based violence; 1.5. victims of any type of sexual violence, including sexual harassment; 1.6. victims of human trafficking; 1.7. minor victims; 1.8. children living in social care institutions; 1.9. to children under guardianship seeking to initiate proceedings without the consent of their legal guardian or against their legal guardian; 1.10. persons whose rights have been violated through an action or inaction that constitutes discrimination, based on the decision of the competent body according to the law in force on protection against discrimination; 1.11. Journalists, independent journalists, photojournalists, cameramen and editors who work in/for media licensed by the Independent Media Commission (IMC) and/or member media in the Kosovo Written Media Council (KMSHK). The Agency for Free Legal Aid does not have a regulation that regulates this issue, but in order to facilitate internal procedures, a guide has been drawn up for processing cases for free legal aid and the calculation of expenses for persons who belong to the secondary category is as follows: Calculation of income and expenses: Average salary: 528 Monthly basket: One member €50 Utilities: One member €10 Rent: / Debts: / Minimum salary: €170 It is calculated as follows: Income (average salary) - monthly basket - debts/rent payments + (if he does not have the amount of a minimum wage for living, to be offered free legal aid)

(2024): Even though an income asset and asset evaluation exists, according to the article 8 of the law on Free Legal Aid, the legal aid is provided:
1.1. primary and
1.2. secondary.
2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or
are in similar situation with persons acquiring the right from social aid.
3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower
than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. However, we do not have a system as question 088 provides.

Question 088-1

Albania
(General Comment): Primary Legal Aid
Maximum duration prescribed in law/regulation First legal aid is provided immediately at the moment requested verbally or written. If it is needed can be extended the days of consolations.
Actual average duration First legal aid is provided immediately at the moment requested verbally or written If it is needed can be extended the days of consolations max 2 days
Secondary Legal Aid
Maximum duration prescribed in law/regulation
The time of decision depends on when the application was lodged:
• The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted together with the statement of claim
• according to the provisions of the procedural legislation and the provisions of this law, when the request has been filed during judicial examination According to the Article 22 (9) the Directorate may appeal against the acceptance (only) when it claims that the request is evidently abusive or manifestly ill-founded and not if it claims that the applicant does not fulfil the criteria of Articles 10 to 12. It will have to be clarified if the reasons of appeal were restricted on purpose or if a reference to Articles 10 to 12 was omitted by error. Since Article 22 (9) does (in contrast to Article 22 (7)) not refer to the special appeal, the provisions on normal appeals apply. Article 22 (9) states that "In this case shall be applied the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation." Thus the time-limits and the rules for appeal of final decisions in accordance with the provisions of the procedural legislation apply. I.e. that different procedural rules apply for the appeal of the Directorate against the approval than for the appeal against the dismissal. Against the decision of the court of appeal a recourse to the High Court is not allowed
Actual average duration From the practice, it results that the period from the moment of sending the request for secondary legal aid until the notification of the court's decision on the acceptance or not of the request is 1 month.

(2023): 1 day for Primary Legal Aid
Secondary Legal Aid - The court has to decide within 5 days from the date of receipt of the request
Maximum duration prescribed in law/regulation - First legal aid is provided immediately at the moment requested verbally or written. If it is needed can be extended the days of consolations. --- The time of decision depends on when the application was lodged:
• The court has to decide within 5 days from the date of receipt of the request, when the request has been submitted before initiation of the judicial proceeding • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted together with the statement of claim
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Actual average duration - First legal aid is provided immediately at the moment requested verbally or written If it is needed can be extended the days of consolations dy max 2 days --- From the practice, it results that the period from the moment of sending the request for secondary legal aid until the notification of the court's decision on the acceptance or not of the request is 1 month.

(2022): within 5 days from the date of registration of the request, when the request is submitted the beginning of the process
judgement
Referring to Article 9 point "d" of Law no. 111/2017 "On legal aid guaranteed by the state" provides that: The National Chamber of Advocacy prepares and organizes continuous training programs for lawyers included in the list of lawyers who offer secondary legal aid services, in cooperation with the Assistance Directorate Free Legal

(2021): -Primary legal aid: If the conditions are met, primary legal aid is delivered immediately (if possible) or a date for the provision of primary legal aid is given to the party. No maximum time duration is prescribed in law/regulation. The actual average duration is 2 (two) days.
-Secondary legal aid: • The court has to decide within 5 days from the date of receipt of the request when the request has been submitted before initiation of the judicial proceeding (paragraph a); • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted • according to the provisions of the procedural legislation and the provisions of this law when the request has been filed during the judicial examination. The actual average duration is 1 month.

Bosnia and Herzegovina

(General Comment): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the functioning of legal aid institutions. In addition, the criminal procedure codes oblige the court to urgently appoint an ex-officio attorney to the suspect/accused persons such as minors, detainees, a defendant in a criminal case in which one my be given long-term prison sentence etc.; also, pursuant to the criminal procedure codes the court will decide urgently if an attorney shall be assigned to the suspect or accused at his request if due to an adverse financial situation, he is not able to pay the expenses of the defense in the proceedings that are conducted for an offense for which a prison sentence of three or more years may be pronounced or when the interests of justice so require. Actual average duration is 8 days. This calculation is based on the actual duration of time passed between initial requests and final approvals for all procedures for granting legal aid completed in the reference year. The aforementioned calculation is based on the data gathered from the courts and and legal aid institutions for 2023. The courts provided data on the timeframes with regards to deciding on requests for appointing ex-officio lawyers in criminal proceedings as well as data on granting requests for exemption from paying court taxes and other costs in the civil proceedings. The legal aid institutions provided statistics on the actual timeframes of the procedure for granting legal aid.

(2021): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the functioning of legal aid institutions. In addition, the criminal procedure codes oblige the court to urgently appoint an ex-officio attorney to the suspect/accused persons such as minors, detainees, a defendant in a criminal case in which one my be given long-term prison sentence etc.; also, pursuant to the criminal procedure codes the court will decide urgently if an attorney shall be assigned to the suspect or accused at his request if due to an adverse financial situation, he is not able to pay the expenses of the defense in the proceedings that are conducted for an offense for which a prison sentence of three or more years may be pronounced or when the interests of justice so require. This calculation of actual average duration is based on the actual duration of time passed between initial requests and final approvals for all procedures for granting legal aid completed in the reference year. The aforementioned calculation is based on the data gathered from the courts and and legal aid institutions for the reporting year. The courts provided data on the timeframes with regards to deciding on requests for appointing ex-officio lawyers in criminal proceedings as well as data on granting requests for exemption from paying court taxes and other costs in the civil proceedings. The legal aid institutions provided statistics on the actual timeframes of the procedure for granting legal aid.

North Macedonia

(General Comment): LAW ON FREE LEGAL AID
Article 23
Examination of the application
(1) The authorised officer is obliged within 15 days from receiving the application:
- to obtain all the information required to establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;
- to examine and establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;
- to draft a certificate approving or a notification declining the secondary legal aid application; and
- to organise the first meeting between the lawyer and he secondary legal aid beneficiary, stating the date of the meeting in the certificate.
(2) The authorised officer shall check the information provided in the written statement on the financial standing of the applicant and their family members with the competent authorities who have information regarding the income and assets of natural persons. If an authorised officer deems that additional information is necessary, then they will ask the secondary legal aid applicant for the additional information within seven days from receiving the application, in accordance with the law.
(3) The request for the information of paragraph (2) hereof shall stay the deadline of paragraph (1) hereof, pending the day of receipt of the requested information.
(4) If the applicant fails within 15 days from receiving a request for additional information under paragraph (2) hereof to provide it, then within the deadline under paragraph (1) hereof, which shall resume, the authorised officer shall adopt a notification declining the secondary legal aid application.
(5) The competent authorities who have information regarding the income and assets of the secondary legal aid applicant and their family members, in accordance with paragraph (2) hereof, are obliged to deliver the requested information in accordance with the regulations for personal data protection without delay and at latest within seven days from receiving the information request.
(6) The certificate approving, i.e. the notification declining the secondary legal aid application shall be delivered to the applicant.
(7) The certificate approving the secondary legal aid application is also delivered to the lawyer.
(8) The applicant may lodge a complaint against the notification declining the secondary legal aid application to the Ministry within 15 days from receiving the notification.
(9) In the event of fundamental changes in their financial standing, the applicant may re-apply for secondary legal aid for the same legal matter and on the same legal grounds for which the authorised officer had adopted a notification declining the secondary legal aid application, except when the applicant has failed to deliver the additional information timely, within the deadline specified under paragraph (4) hereof.
(10) A secondary legal aid application shall not be examined if:
- the applicant makes a written statement withdrawing the secondary legal aid application, and the authorised officer shall notify the applicant that their application is not going to be examined; or
- it is established that the applicant has passed away after filing the application.

Serbia
(General Comment): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.
The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.

(2024): Article 32 of the Law stipulates that the procedure for granting free legal aid is urgent. The administrative authority must issue a decision on the request within eight days of receiving it, and if additional documentation is requested from the applicant, within eight days from the date it is delivered. If there is a risk of irreparable damage to the applicant or if the period for taking action in the procedure is about to expire, the administrative authority is obligated to issue a decision within three days of receiving the request.

(2021): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.
The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.

Kosovo*
(General Comment): With article 32 par. 4 of Law 04 / L-017 on Free Legal Aid stipulates that "The decision to allow or reject the request is taken within five (5) working days from the date of submission of complete documentation."

(2023): Timeframe of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final decision on the legal aid request is defined in the Law no. 04/L-017 for Free Legal Aid, article no. 32, paragraph no. 5.

Question 163

Albania
(General Comment): Other specific arrangements means:
- closed-door trial for the juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking; - the defendant’s right to use the language he/she speaks or understands or either use the sings language, as well as be assisted by a translator and interpreter if he/she has disabilities in speaking and hearing. - prohibiting the publication of the personal data and photos of the juvenile defendants and witnesses; - physical protection, by the warrant of defense for the cases of violence due to the family relations, entry in the program of the defendants defense, etc.; - the right to compensation for damages through the civil lawsuit to whom that has suffered damage from the criminal offense.

(2023): After verifying the answer given this year, we confirm it

(2022): Regarding all discrepancies between years, the legal provisions have not changed. There are different procedures that can be applied to different categories but these procedures are not measures taken by the court such as placing the victims in a special facility for victim of abuse, are measures taken by local authorities.

Bosnia and Herzegovina

(General Comment): Only general information mechanisms prescribed by law are provided in the proceedings to the categories of vulnerable persons.
Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.

(2024): Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.

(2023): Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.

(2022): Exclusion of the public, language assistance during the trial procedure for ethnic minorities or persons with disabilities, the right of a woman who is a victim of domestic violence to enjoy the use of a safe house, physical protection during court proceedings, prohibition of questioning the injured party about sexual experience before the commission of the criminal act, and if such examination has already been carried out, the court decision cannot be based with such a statement, the prosecutor is obliged to inform the competent social welfare authority about the criminal proceedings against minors.

(2019): Only general information mechanisms prescribed by law are applied to the categories of vulnerable persons.
Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile.

Montenegro

(General Comment): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a
court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.
The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or voiceless. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath. If the defendant or witness is a person with impaired hearing, the questions shall be in writing, and if it is a person with impaired speech, shall be asked to answer in writing. If the hearing cannot be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.
A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.
In Montenegro, there is a special law that applies to juvenile offenders. - The law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

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The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or dumb. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath. If the defendant or wittnes is a person with impaired hearing, the questions shall be in writing, and if it is a person with impaired speech, shall be asked to answer in writing. If the hearing can not be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.
A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.
In Montenegro, there is a special law that applies to juvenile offenders. - The law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

North Macedonia
(General Comment): The Law on Criminal Procedure
Article 53
Victim’s rights
(1) The victim of a crime shall have the following rights:
1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal property
claim for damages;
2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.
(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses,advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.
(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:
1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical
impairment or if there are serious consequences as a result of the crime; and
2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.
Article 54
Special rights of victims of vulnerable categories of victims
(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated
during all stages of the procedure:
1) if, at the time when giving the statement, the victim is less than 18 years of age;
2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat for their life, health or physical integrity (endangered victims);
3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant’s family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).
(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to

Serbia

(General Comment): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).
An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.
If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.
An especially vulnerable witness may also be examined in his place of living or other premises or in an authorized institution professionally qualified for examining especially vulnerable persons. In such case the authority conducting proceedings may order application of these measures.
An especially vulnerable witness may not be confronted with the defendant, unless the defendant himself requests this and the authority conducting proceedings grants the request, taking into account the level of the witness's vulnerability and rights of defense (Art. 104 CPC).
If there exist circumstances which indicate that by giving testimony or answering certain questions a witness would expose himself or persons close to him to a danger to life, health, freedom or property of substantial size, the court may authorize one or more measures of special protection by issuing a ruling determining a status of protected witness.
The measures of special protection include questioning the protected witness under conditions and in a manner ensuring that his identity is not revealed to the general public, and exceptionally also to the defendant and his defense counsel, in accordance with this Code (Art. 105 CPC).
The measures of special protection ensuring that the identity of a protected witness is not revealed to the public are excluding the public from the trial and prohibition of publication of data about the identity of the witness.
The measure of special protection whereby data about the identity of a protected witness is withheld from the defendant and his defense counsel may be ordered by the court exceptionally if after taking statements from witnesses and the public prosecutor it determines that the life, health or freedom of the witness or a person close to him is threatened to such an extent that it justifies restricting the right to defence and that the witness is credible (Art. 106 CPC).
The provisions related to protected witness apply accordingly to the protection of an undercover investigator, expert witness, professional consultant and professional.
The Law on Program of Protection of Participants in Criminal Proceedings envisages that the protection program is implemented if participants in the criminal proceedings and close people are due to giving evidence or notifications important for proving in criminal proceedings exposed to danger to life, health, physical integrity, freedom or property, and without that testimony or notification proving would be significantly difficult or impossible in criminal proceedings for criminal offenses:
1) against constitutional order and security;
2) against humanity and other goods protected by international law;

(2024): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).
An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings. If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.
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1) against constitutional order and security;
2) against humanity and other goods protected by international law;3) organized crime.
In accordance with the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, when conducting proceeding for criminal offences committed against juveniles, authority

(2023): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).
An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.
If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.
An especially vulnerable witness may also be examined in his place of living or other premises or in an authorized institution professionally qualified for examining especially vulnerable persons. In such case the authority conducting proceedings may order application of these measures.
An especially vulnerable witness may not be confronted with the defendant, unless the defendant himself requests this and the authority conducting proceedings grants the request, taking into account the level of the witness's vulnerability and rights of defense (Art. 104 CPC).
If there exist circumstances which indicate that by giving testimony or answering certain questions a witness would expose himself or persons close to him to a danger to life, health, freedom or property of substantial size, the court may authorize one or more measures of special protection by issuing a ruling determining a status of protected witness.
The measures of special protection include questioning the protected witness under conditions and in a manner ensuring that his identity is not revealed to the general public, and exceptionally also to the defendant and his defense counsel, in accordance with this Code (Art. 105 CPC).
The measures of special protection ensuring that the identity of a protected witness is not revealed to the public are excluding the public from the trial and prohibition of publication of data about the identity of the witness.
The measure of special protection whereby data about the identity of a protected witness is withheld from the defendant and his defense counsel may be ordered by the court exceptionally if after taking statements from witnesses and the public

(2020): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).
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The provisions related to protected witness apply accordingly to the protection of an undercover investigator, expert witness, professional consultant and professional.
The Law on Program of Protection of Participants in Criminal Proceedings envisages that the protection program is implemented if participants in the criminal proceedings and close people are due to giving evidence or notifications important for proving in criminal proceedings exposed to danger to life, health, physical integrity, freedom or property, and without that testimony or notification proving would be significantly difficult or impossible in criminal proceedings for criminal offenses:
1) against constitutional order and security;
2) against humanity and other goods protected by international law;
3) organized crime.

Kosovo*

(General Comment): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection during the time of the judicial proceeding. With regard to information mechanisms, for categories specified above, Courts send a mail to this categories in order to keep them informed regarding the procedure and for the next steps in the procedure. While, with special arrangements we meant the possibility for a minor to have his/her first declaration recorded so he/she does not have to repeat it; video conferencing of the hearing of a vulnerable person; excluding the public in case of a victim of sexual violence/rape.

(2024): The Kosovo Judicial Council (KJC) has signed a cooperation agreement with the Office for Victim Protection regarding the provision of electronic services, the electronic submission and receipt of requests for Protection Orders, as well as the allocation of office spaces in court branches for the staff of the Office for Victim Protection and Assistance, based on the Council's capacities and possibilities.
The Commission for Monitoring, Evaluation, and Reporting on the Strategic Plan for Improving Access to Justice 2022–2025 and the Strategic Plan for the Efficiency of Handling Corruption, Abuse of Official Duty, and Organized Crime Cases 2025–2027, composed of five judges from the Supreme Court of Kosovo, is responsible for monitoring, evaluating, and reporting on the Strategic Plan for Improving Access to Justice 2022–2025. This plan establishes priority case categories, including:
Criminal Cases:
Cases of Domestic Violence:
Judges must ensure that these cases are handled within a short timeframe, ensuring that hearings are scheduled within a set period and held continuously until the case is resolved.
Failure to handle such cases in a timely manner has serious negative consequences within families and for society, leading to irreparable harm.
The number of such cases is continuously increasing, making it essential to address them in a timely and prioritized manner.
Cases Involving Vulnerable Victims:
Judges must ensure these cases are handled within a short timeframe, scheduling hearings within a set period and ensuring continuity until resolution.
This category includes a significant number of victims, as defined in the Criminal Code of the Republic of Kosovo.
There has been a recent rise in crimes against vulnerable individuals, including persons with disabilities, the LGBT community, and journalists.
These cases must be handled promptly and with priority.
Retrials of Juvenile Criminal Cases:
Although no specific legal deadline exists under the Criminal Procedure Code, such cases must be processed no later than 8 days after receiving the ruling from the higher court ordering the retrial.
Hearings should be scheduled continuously until the case is resolved.
According to the Juvenile Justice Code, procedures involving juveniles are urgent and should be conducted in the best interest and well-being of the minor.
One of the key priorities of Kosovo's judicial system is ensuring timely trials, as required by both national legislation and international legal instruments.
Sexual Offenses:
Judges must handle these cases promptly, ensuring that hearings are scheduled within a set timeframe and continue without delays until resolution.
The number of sexual offense cases has increased, particularly against minors, which has severe consequences for their education, personal development, family life, and social integration.
Prioritizing these cases is essential in every court.
Crimes Against Life and Physical Integrity:

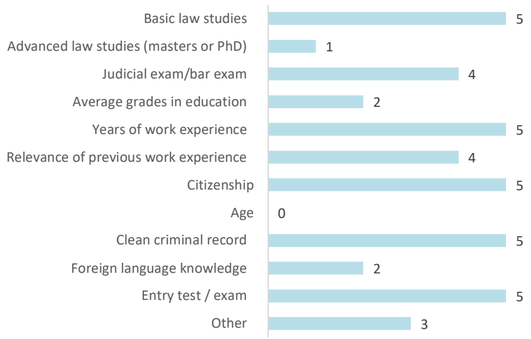
5. and 6. Appointment, recruitment and promotion of judges and prosecutors - Overview

Appointment, recruitment and promotion of judges

Tables no. 5.1.2, 5.1.5, 5.1.6, 5.1.8, 5.1.9, 5.1.10, 6.1.1 and 6.1.2

Figure 5.1 Entry criteria to become a judge

(No. of beneficiaries by criteria)



Possibility for non pre-selected judge candidates to appeal in 5 beneficiaries (ALB - BIH - MNE - MKD - SRB)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Judicial Academy (1) (MKD)
- Court (3) (ALB - BIH - MNE)
- Other body (1) (SRB)

Figure 6.1 Authority competent for the promotion of judges

(Table 6.1.1)

(No. of beneficiaries by authority)



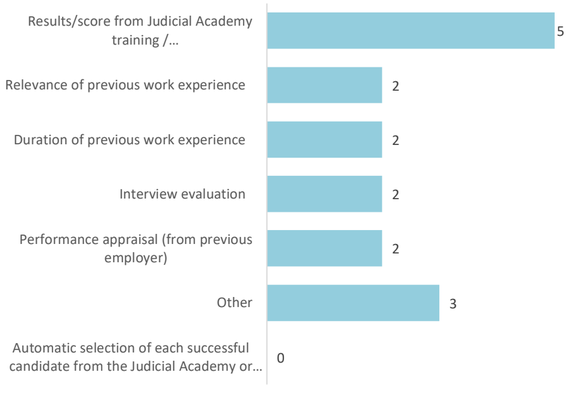
Possibility to appeal the decision on the promotion of judges in 5 beneficiaries (ALB - BIH - MNE - MKD - SRB)

Body competent to decide on appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (3) (ALB - BIH - MNE)
- Judicial Academy (0)
- Other body (2) (MKD - SRB)

Entry selection | **Selection process** | **Final Appointment** | **Promotion**

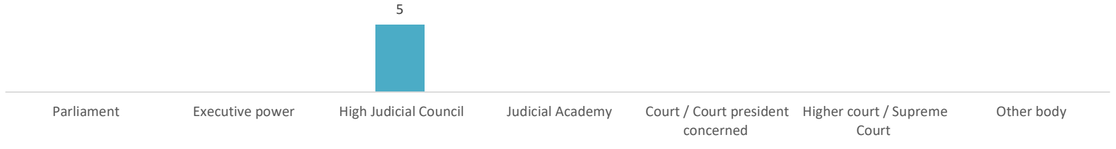
Figure 5.2 Criteria in the selection procedure for judges



Authority competent for selection of judges (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (4) (ALB - BIH - MNE - SRB)
- Judicial Academy (2) (ALB - MKD)
- Other body (0)

Figure 5.3 Authority compentent for the final appointment of judges



Possibility for non-selected candidates to appeal against the decision of appointment 5 beneficiaries (ALB - BIH - MNE - MKD - SRB)

Body competent for the appeal (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (4) (ALB - BIH - MNE - MKD)
- Judicial Academy (0)
- Other body (1) (SRB)

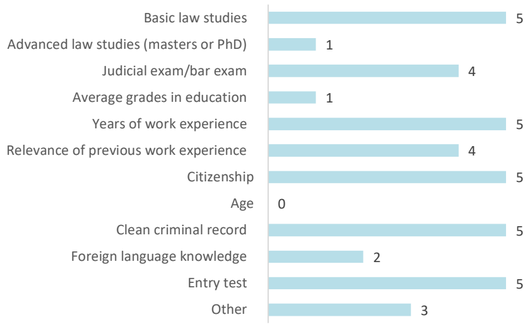
Kosovo is not included in the calculation of summary statistics*

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Appointment, recruitment and promotion of prosecutors

Tables no. 5.2.2, 5.2.5, 5.2.6, 5.2.8, 5.2.9, 5.2.10, 6.1.4, and 6.1.5

Figure 5.4 Entry criteria to become a prosecutor
(No. of beneficiaries by criteria)



Possibility for non pre-selected prosecutor candidates to appeal in 5 beneficiaries (ALB - BIH - MNE - MKD - SRB)

Body competent for the appeal (No of beneficiaries by body):
- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Prosecution services (0)
- Judicial Academy (2) (ALB - MKD)
- Court (3) (ALB - BIH - MNE)
- Other body (1) (SRB)

Figure 6.2 Authority competent for the promotion of prosecutor (Table 6.1.4)
(No. of beneficiaries by authority)

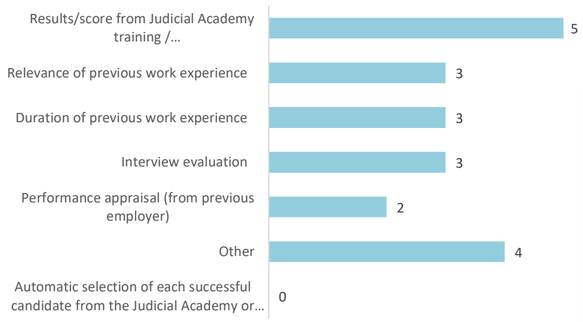


Possibility to appeal the decision on the promotion of prosecutors in 4 beneficiaries (ALB - BIH - MNE - SRB -)

Body competent to decide on appeal (No of beneficiaries by body):
- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Court / Prosecution office (3) (ALB - BIH - MNE)
- Judicial Academy (0)
- Other body (0)

Entry selection → **Selection process** → **Final Appointment** → **Promotion**

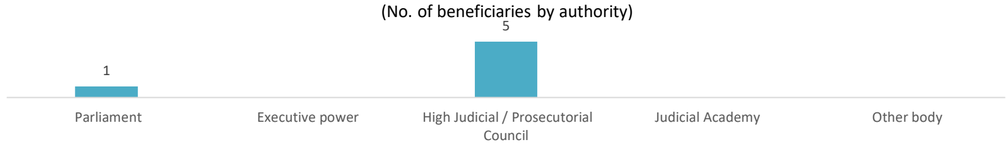
Figure 5.5 Criteria in the selection procedure for prosecutors (No. of beneficiaries by criteria)



Authority competent for selection of prosecutors (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (4) (ALB - BIH - MNE - SRB)
- Prosecutorial services (0)
- Judicial Academy (2) (ALB - MKD)
- Other body (1) (SRB)

Figure 5.6 Authority compentent for the final appointment of prosecutors
(No. of beneficiaries by authority)



Possibility for non-selected candidates to appeal against the decision of appointment 4 beneficiaries (ALB - BIH - MNE - SRB)

Body competent for the appeal (No of beneficiaries by body):
- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (3) (ALB - BIH - MNE)
- Judicial Academy (0)
- Other body (1) (SRB)

Kosovo is not included in the calculation of summary statistics*

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.1 Recruitment of judges

Table 5.1.1 Recruitment of judges - Procedure in 2024 (Q89)

Table 5.1.2 Entry criteria into the process to become a judge in 2024 (Q90)

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2024 (Q91)

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2024 (Q92, Q93 and Q94)

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2024 (Q95 and Q96)

Table 5.1.6 Criteria in the selection procedure (after exam/interview, etc) for judges in 2024 (Q97)

Table 5.1.7 Measures in place to ensure the transparency in case the selection of a judge takes place via an “Interview evaluation”, in 2024 (Q97-1)

Table 5.1.8 Authority competent for selection of judges in 2024 (Q98)

Table 5.1.9 Authority competent for the final appointment of judges in 2024 (Q99 and Q100)

Table 5.1.10 Possibility for non-selected candidates for a judge position to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q101 and Q102)

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment of prosecutors - Procedure in 2024 (Q111)

Table 5.2.2 Entry criteria into the process to become a prosecutor in 2024 (Q112)

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2024 (Q113)

Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2024 (Q114, Q115 and Q116)

Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2024 (Q117 and Q118)

Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2024 (Q119)

Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation”, in 2024 (Q119-1)

Table 5.2.8 Authority competent for selection of prosecutors in 2024 (Q120)

Table 5.2.9 Authority competent for the final appointment of prosecutors in 2024 (Q121 and Q121-1)

Table 5.2.10 Possibility for non-selected candidates for a prosecutor position to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q122 and Q123)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check the integrity of candidate judges in 2024 (Q103)

Table 5.3.2 Mandate of judges and compulsory retirement age in 2024 (Q104, Q108 and Q109)

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2024 (Q105, Q106 and Q107)

Table 5.3.4 Methods to check the integrity of candidate prosecutors in 2024 (Q124)

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2024 (Q125, Q129 and Q130)

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2024 (Q126, Q127 and Q128)

5.1 Recruitment of judges

Table 5.1.1 Recruitment of judges - Procedure in 2024 (Q89)

Beneficiaries	Recruitment of Judges - Procedure		
	Competitive exam	Recruitment procedure for experienced legal professionals	Other
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.2 Entry criteria into the process to become a judge in 2024 (Q90)

Beneficiaries	Entry criteria into the process to become a judge											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test / exam	Other
Albania	Via Judicial Academy	Via Judicial Academy	No	Via Judicial Academy	Via Judicial Academy	Via Judicial Academy	Via Judicial Academy	No	Via Judicial Academy	Via Judicial Academy	Via Judicial Academy	Via Judicial Academy
Bosnia and Herzegovina	Without Judicial Academy	No	Without Judicial Academy	No	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	No	Without Judicial Academy	No	Without Judicial Academy	No
Montenegro	Via Judicial Academy	No	Via Judicial Academy	No	Via Judicial Academy	Via Judicial Academy	Via Judicial Academy	No	Via Judicial Academy	No	Via Judicial Academy	Via Judicial Academy
North Macedonia	Via Judicial Academy	No	Via Judicial Academy	No	Via Judicial Academy	No	Via Judicial Academy	No	Via Judicial Academy	Via Judicial Academy	Via Judicial Academy	Via Judicial Academy
Serbia	Both - Via & without Judicial Academy	No	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	Both - Via & without Judicial Academy	No	Without Judicial Academy	No
Kosovo*	Without Judicial Academy	No	Without Judicial Academy	No	Without Judicial Academy	No	Without Judicial Academy	No	Without Judicial Academy	No	Without Judicial Academy	Without Judicial Academy

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2024 (Q91)

Beneficiaries	Judges				
	Authority competent during the entry selection				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania			Via Judicial Academy	Via Judicial Academy	
Bosnia and Herzegovina			Without Judicial Academy		
Montenegro			Via Judicial Academy		
North Macedonia					Via Judicial Academy
Serbia			Both - Via & without Judicial Academy		
Kosovo*			Without Judicial Academy		

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2024 (Q92, Q93 and Q94)

Beneficiaries	Judges								
	Public availability of call for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Albania	Via Judicial Academy	Via Judicial Academy	No	No	Via Judicial Academy	Via Judicial Academy	No	No	No
Bosnia and Herzegovina	Without Judicial Academy	Without Judicial Academy	No	No	No	No	Without Judicial Academy	No	No
Montenegro	Via Judicial Academy	Via Judicial Academy	No	No	No	No	No	Via Judicial Academy	No
North Macedonia	Via Judicial Academy	Via Judicial Academy	No	No	No	No	Via Judicial Academy	No	No
Serbia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	No	No	Both - Via & without Judicial Academy	No	No	No
Kosovo*	Without Judicial Academy	Without Judicial Academy	No	No	No	Without Judicial Academy	No	No	No

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2024 (Q95 and Q96)

Beneficiaries	Judges						
	Possibility for non pre-selected candidates to appeal	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Albania	Via Judicial Academy					Without Judicial Academy	
Bosnia and Herzegovina	Without Judicial Academy					Without Judicial Academy	
Montenegro	Via Judicial Academy					Without Judicial Academy	
North Macedonia	Via Judicial Academy				Via Judicial Academy		
Serbia	Both - Via & without Judicial Academy						Both - Via & without Judicial Academy
Kosovo*	Without Judicial Academy			Without Judicial Academy			

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.6 Criteria in the selection procedure (after exam/interview, etc) for judges in 2024 (Q97)

Beneficiaries	Criteria in the selection procedure for judges						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate outside of Judicial Academy
Albania	Via Judicial Academy	No	No	No	No	Via Judicial Academy	No
Bosnia and Herzegovina	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	Without Judicial Academy	No
Montenegro	Via Judicial Academy	No	No	No	No	No	No
North Macedonia	Via Judicial Academy	No	No	No	No	Via Judicial Academy	No
Serbia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	No	No
Kosovo*	Without Judicial Academy	NA	NA	Without Judicial Academy	NA	Without Judicial Academy	NA

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.7 Measures in place to ensure the transparency in case the selection of a judge takes place via an “Interview evaluation”, in 2024 (Q97-1)

Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a judge				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.8 Authority competent for selection of judges in 2024 (Q98)

Beneficiaries	Authority competent for selection of judges				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania			Via Judicial Academy	Via Judicial Academy	
Bosnia and Herzegovina			Without Judicial Academy		
Montenegro			Via Judicial Academy		
North Macedonia				Via Judicial Academy	
Serbia			Both - Via & without Judicial Academy		
Kosovo*			Without Judicial Academy		

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.9 Authority competent for the final appointment of judges in 2024 (Q99 and Q100)

Beneficiaries	Judges										
	Authority competent for the final appointment							Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.10 Possibility for non-selected candidates for a judge position to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q101 and Q102)

Beneficiaries	Judges								
	Possibility for non-selected candidates for a judge position to appeal against the decision of appointment	Competent body to decide on the appeal							
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	Comment on Other body
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									Constitutional Court
Kosovo*									

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment of prosecutors - Procedure in 2024 (Q111)

Beneficiaries	Recruitment of Prosecutors - Procedure		
	Competitive exam	Recruitment procedure for experienced legal professionals	Other
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.2 Entry criteria into the process to become a prosecutor in 2024 (Q112)

Beneficiaries	Entry criteria into the process to become a prosecutor											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test	Other
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2024 (Q113)

Beneficiaries	Prosecutors					
	Authority competent during the entry selection					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Albania						
Bosnia and Herzegovina						
Montenegro						
North Macedonia						
Serbia						
Kosovo*						

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2024 (Q114, Q115 and Q116)

Beneficiaries	Prosecutors								
	Public availability of call for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									
Kosovo*									

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2024 (Q117 and Q118)

Beneficiaries	Prosecutors							
	Possibility for non pre-selected candidates to appeal	Body competent for appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Court	Other body
Albania	Via Judicial Academy					Via Judicial Academy	Via Judicial Academy	
Bosnia and Herzegovina	Without Judicial Academy						Without Judicial Academy	
Montenegro	Via Judicial Academy						Via Judicial Academy	
North Macedonia	Via Judicial Academy					Via Judicial Academy		
Serbia	Both - Via & without Judicial Academy							Both - Via & without Judicial Academy
Kosovo*	Without Judicial Academy			Without Judicial Academy				Without Judicial Academy

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2024 (Q119)

Beneficiaries	Criteria in selection procedure for prosecutors						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation”, in 2024 (Q119-1)

Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a prosecutor				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.8 Authority competent for selection of prosecutors in 2024 (Q120)

Beneficiaries	Authority competent for selection of prosecutors					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecutorial services	Judicial Academy	Other body
Albania			Via Judicial Academy		Via Judicial Academy	
Bosnia and Herzegovina			Without Judicial Academy			
Montenegro			Via Judicial Academy			
North Macedonia					Via Judicial Academy	
Serbia			Both - Via & without Judicial Academy			Both - Via & without Judicial Academy
Kosovo*			Without Judicial Academy			

No
NA
Via Judicial Academy
Without Judicial Academy
Both - Via & without Judicial Academy

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.9 Authority competent for the final appointment of prosecutors in 2024 (Q121 and Q121-1)

Beneficiaries	Prosecutors								
	Authority competent for the final appointment					Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Albania			Yes				Yes		
Bosnia and Herzegovina			Yes				Yes	Yes	
Montenegro			Yes			Yes			
North Macedonia			Yes				Yes		
Serbia	Yes		Yes				Yes		
Kosovo*			Yes		Yes		Yes		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.2.10 Possibility for non-selected candidates for a prosecutor position to appeal against the decision of appointment and the competent body to decide on the appeal in 2024 (Q122 and Q123)

Beneficiaries	Prosecutors							
	Possibility for non-selected candidates (for a prosecutor position) to appeal against the decision of appointment	Competent body to decide on the appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body	Comment on Other body
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								Constitutional Court
Kosovo*								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check the integrity of candidate judges in 2024 (Q103)

	Methods to check integrity of candidates for judges					
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment	Other
Albania	Yes	Yes				
Bosnia and Herzegovina		Yes		Yes		
Montenegro	Yes	Yes				
North Macedonia	Yes	Yes		Yes	Yes	
Serbia	Yes					Yes
Kosovo*	Yes	Yes		Yes		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.3.2 Mandate of judges and compulsory retirement age in 2024 (Q104, Q108 and Q109)

Beneficiaries	Mandate of judges and compulsory retirement age in 2024			
	Mandate of judges			Compulsory retirement age
	Appointed to office for an undetermined period	Length of the mandate (if it is not undetermined)	Renewable mandate	
Albania				67
Bosnia and Herzegovina				70
Montenegro				66
North Macedonia				64
Serbia				65
Kosovo*				65

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2024 (Q105, Q106 and Q107)

Beneficiaries	Judges									
	Probation period for judges	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*		3 years								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.3.4 Methods to check the integrity of candidate prosecutors in 2024 (Q124)

	Methods to check integrity of candidates for prosecutors					
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment	Other
Albania						
Bosnia and Herzegovina						
Montenegro						
North Macedonia						
Serbia						
Kosovo*						

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2024 (Q125, Q129 and Q130)

Beneficiaries	Mandate of prosecutors and compulsory retirement age in 2024			
	Mandate of prosecutors			Compulsory retirement age
	Appointed to office for an undetermined period	Length of the mandate (if it is not undetermined)	Renewable mandate	
Albania				67
Bosnia and Herzegovina				70
Montenegro				66
North Macedonia				64
Serbia				65
Kosovo*				65

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2024 (Q126, Q127 and Q128)

Beneficiaries	Prosecutors									
	Probation period for prosecutor	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial/ Prosecutorial Council	Judicial Academy	Prosecution office concerned	Higher prosecution office / Prosecutor general (State public prosecutor)	Other body	
Albania										
Bosnia and Herzegovina										
Montenegro		4								
North Macedonia										
Serbia										
Kosovo*		3 years of initial mandate								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by country

Question 89. How are judges recruited?
Question 90. What are the entry criteria (pre-conditions) into the process to become a judge?
Question 91. Which authority is competent during the entry selection procedure?
Question 92. Is there a public call for candidates to become a judge?
Question 93. Are the entry criteria to become a judge publicly available?
Question 94. Is there a list of pre-selected candidates which is public?
Question 95. Is there a possibility for non pre-selected candidates to appeal?
Question 96. If yes, what body is competent to decide on appeal?
Question 97. What are the criteria for the selection of judges?
Question 98. Which authority is competent to select judges?
Question 99. Which authority is competent for the final appointment of a judge?
Question 100. Which competences has this authority in the final appointment procedure (multiple replies possible):
Question 101. May non-selected candidates appeal against the decision of appointment?
Question 102. If yes, what body is competent to decide on appeal?
Question 103. How do you check the integrity of candidate judges?
Question 104. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?
Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?
Question 106. If yes, which authority is competent to decide if the probation period is successful?
Question 107. Is there a possibility to appeal against this decision?
Question 108. If the mandate of judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?
Question 109. Is it renewable?
Question 111. How are public prosecutors recruited?
Question 112. What are the entry criteria (pre-conditions) into the process to become a prosecutor?
Question 113. Which authority is competent during the entry selection procedure?
Question 114. Is there a public call for candidates to become a prosecutor?
Question 115. Are the entry criteria to become a prosecutor publicly available?
Question 116. Is there a list of pre-selected candidates which is public?
Question 117. Is there a possibility for non pre-selected candidates to appeal?
Question 118. If yes, what body is competent to decide on appeal?

Question 119. What are the criteria of selection of public prosecutor?
Question 120. Which authority is competent during the selection procedure of a public prosecutor?
Question 121. Which authority is competent for the final appointment of a prosecutor?
Question 121-1. Which competences has this authority in the final appointment procedure ? (multiple replies possible):
Question 122. May non-selected candidates appeal against the decision of appointment?
Question 123. If yes, what body is competent to decide on appeal?
Question 124. How do you check the integrity of candidate prosecutors?
Question 125. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?
Question 126. Is there a probation period for public prosecutors? If yes, how long is this period?
Question 127. If yes, which authority is competent to decide if the probation period is successful?
Question 128. Is there a possibility to appeal against this decision?
Question 129. If the mandate of public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?
Question 130. Is it renewable?
Question 132. Which authority is competent for the promotion of judges?
Question 133. What is the procedure for the promotion of judges? (multiple replies possible)
Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)
Question 135. Can a decision on the promotion of judges be appealed?
Question 136. If yes, what is the body competent to decide on appeal?
Question 137. Which authority is competent for the promotion of prosecutors?
Question 138. What is the procedure for the promotion of prosecutors? (multiple replies possible)
Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):
Question 140. Can a decision on the promotion of prosecutors be appealed?
Question 141. If yes, what is the body competent to decide on appeal?

Albania

Q089 (General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.
Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.
The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants.
The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.
Q089 (2024): According to Law 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, any person who meets the criteria of article 28 thereof, has the right to apply and be admitted to the initial training for magistrates at the SoM, through an open examination for all candidates who meet the criteria of preliminary assessment of candidates.
Q090 (General Comment): The recruitment of judges is conducted in cooperation between the School of Magistracy and the High Judicial Council . An important step is the process of verification of assets and integrity, carried out by the Council in accordance with the provisions in points 2 to 6 of Article 32 of Law 96/2019, as amended . Article 86 of Law No. 115/2016 "On the governance bodies of the justice system in the Republic of Albania", as amended
More detailed provisions regarding the above procedure can be found in Decision No. 75, dated 23.05.2019, "On the procedure for verifying the legal conditions and criteria for the recruitment of candidates for judges, for the career development of judges, and for the appointment of judges of the Supreme Court", issued by the High Judicial Council.

Q090 (2023): The recruitment of judges is conducted in cooperation between the School of Magistracy and the High Judicial Council . An important step is the process of verification of assets and integrity, carried out by the Council in accordance with the provisions in points 2 to 6 of Article 32 of Law 96/2019, as amended .
Q091 (2023): According to Article 30, paragraph 4 of Law No. 96/2016, as amended, the High Judicial Council may provide comments or objections no later than the end of March each year. The School of Magistracy approves the final evaluation report, taking into account the comments and objections made.
Q093 (2022): Criterias are defined by law, but also announced in the public call from the Judicial Academy

Q095 (General Comment): Please see the explanation on question 90. Appointments at the high court, from non judges, have a right to appeal, after their application has been reiewed and assessed by the council.
The law provides that: The High Judicial Council shall establish a written proposal on the appointment of candidates. The proposal shall be reasoned in relation to the fulfilment of legal requirements and shall rank the candidates in accordance with the criteria provided in paragraph 8 of this Article. The decision on proposal for appointment is appealable. The rules contained in Article 41
paragraphs 2 to 4 shall apply mutatis mutandis. The Council shall make public the final decision on proposal for appointment on its official website.
For more information please see article 49 of the law on status of judges and prosecutors: https://euralius.eu/index.php/en/library/albanian-legislation/send/86-status-of-judges-and-prosecutors/198-law-on-the-status-of-judges-and-prosecutors-en
Q095 (2022): The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision.
Q096 (General Comment): According to Article 12 of the Internal Regulation of the School of Magistracy any candidate who is not included in the list of candidates who meet the eligibility criteria, has the right to use legal remedies provided by Law No. 115/2016, "On the governance bodies of the justice system," and other sublegal acts."

Q096 (2024): According to Article 12 of the Internal Regulation of the School of Magistracy any candidate who is not included in the list of candidates who meet the eligibility criteria, has the right to use legal remedies provided by Law No. 115/2016, "On the governance bodies of the justice system," and other sublegal acts."
Q096 (2023): According to Article 12 of the Internal Regulation of the School of Magistracy any candidate who is not included in the list of candidates who meet the eligibility criteria, has the right to use legal remedies provided by Law No. 115/2016, "On the governance bodies of the justice system," and other sublegal acts."
Q096 (2022): 1. The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision. 2. Administrative Court of Appeal
Q097 (General Comment): The vetting process takes place before candidates start the School of Magistrates. It is conducted after they have been selected as winners in the entrance exam. If a candidate fails the vetting, they are dismissed and cannot enrol in the School of Magistrates.
Q097 (2024): The vetting process
Q097 (2023): The vetting process.
Q098 (2024): The High Judicial Council decides on the qualification of the candidate graduated from the School of Magistracy and the continuation of further procedure related to his appointment as a judge, in accordance with articles 35 and 39 of Law No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended.

Q098 (2023): The High Judicial Council decides on the qualification of the candidate graduated from the School of Magistracy and the continuation of further procedure related to his appointment as a judge, in accordance with articles 35 and 39 of Law No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended.

Q100 (General Comment): According to Article 35 of law 96/2016 on the status of judges and prosecutors in the Republic of Albania:
1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:
a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
b) Having achieved evaluation scores of at least ”good” in each of the assignments during the professional internship in the third year of the initial training;
c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.
2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law,
within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.
3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a
preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the
Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the
graduate seeks to be appointed. 4. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:
a) Appoint as magistrate, each person who appears in the graduates' list, who satisfies the criteria for appointment, as well as has applied under the provisions of paragraph 2 and 3 of this Article,
b) Reject the appointment as magistrate to any person who appears in the graduates' list and having submitted the request under points 2 and 3 of this Articles, however, not satisfying the criteria for appointment.
5. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year, under the provisions of paragraph 2 of this Article.

Q102 (2022): Administrative Court of Appeal
Q103 (General Comment): Integrity is part of the selection process in three moments. The first control, made by the School of Magistrates, is if the candidate fulfil the criteria for admission to initial training, two of which consist in integrity: they must have never been criminally convicted by a final decision and they must have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction.
The second control is made with the psychological and mental health assessment, which is part of the recruitment exam. This assessment is also focused in the approach of the candidates to corruption, ethics, etc. And the third control is made by the Councils, after the applicants have successfully passed the two phases and the psychological and mental health assessment. The Councils shall request for each applicant, information from competent institutions for the verification of assets and background check regarding any other disqualifying grounds from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, state intelligence institutions and any disciplinary authorities having supervised the discipline in the labour relations of the candidate.

Q104 (General Comment): The status of a magistrate shall end upon:
a) His or her resignation;
b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
c) Reaching the retirement age 67 years old;
ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
d) Establishment of circumstances of inability to exercise the function.
2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70,
regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9 year term, without the right to re-appointment.
Q104 (2024): The age of retirement is 67 for all magistrates, with the possibility of extension as foreseen bylaw. The age of retirement is 70, for judges of the High Court of Albania.

Q104 (2023): The age of retirement is 67 for all magistrates, with the possibility of extension as foreseen bylaw. The age of retirement is 70, for judges of the High Court of Albania.
Article 64 of Law No. 96/2016 foresees as quoted below:
2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in the position.
5. The magistrate retires at the age of 67. The magistrate, at his request, can remain in office until the age of 70. The request for staying in office is presented no later than 6 months before reaching retirement age. The status of the magistrate ends when he reaches the age of 67 or the age of 70, in cases where he has requested to remain in office until this age. The council declares with the decision ending the status of the magistrate, not later than two weeks before the end of the respective month.
According to Law no 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, Article 64 provides that the status of a magistrate terminates with:
a) resignation;
b) presence of conditions of ineligibility and incompatibility in the exercise of the function are verified;
c) reaching the retirement age;
d) dismissal from office for disciplinary liability issues, according to the provisions of this law;
e) verified inability to perform the duty.

Q104 (2022): Judges of the High Court shall retire at the age of 70.

Q111 (General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.
Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The
general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

Q111 (2023): Prosecutors are recruited through a combination of both (competitive exam and working experience).
Q111 (2022): a combination of both (competitive exam and working experience)
Q112 (General Comment): In addition to the above criteria, in the Law “On the status of judges and prosecutors”, as amended, it is stipulated that candidates must meet other criteria such as:
- the lack of disciplinary measures in force;
- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent.

Q112 (2024): The criteria related to “Clean criminal record” means that, candidates should have not been convicted by a final criminal decision for a criminal offense that, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or seriously damages the public's trust in the judicial system, regardless of whether he has been rehabilitated according to the provisions of the Criminal Code. Also “Other” legal criteria are: The candidate should have not been removed from office or his license, authorization or permission to practice a profession has not been revoked for disciplinary reasons, regardless of whether the disciplinary measure is considered extinguished, and there is no disciplinary measure in force; is not a member of political parties at the time of candidacy; was not a member, associate or beneficiary of State Security prior to 1990; and, was not a collaborator, informant, or secret service agent (According to Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

Q112 (2022): Related to the “age” criteria to become a prosecutor, in the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, there is no any criteria related to the age of the candidates to enter the exam and then, accepted in the Initial Forming program of the Judicial Academy. Each person, who fulfill the legal criteria, despite of his age, may enter the exam and be graduated in the Judicial Academy, to become a prosecutor.
The criteria related to “Clean criminal record” means that, candidates should have not been convicted by a final criminal decision for a criminal offense that, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or seriously damages the public's trust in the judicial system, regardless of whether he has been rehabilitated according to the provisions of the Criminal Code. Also “Other” legal criteria are: The candidate should have not been removed from office or his license, authorization or permission to practice a profession has not been revoked for disciplinary reasons, regardless of whether the disciplinary measure is considered extinguished, and there is no disciplinary measure in force; is not a member of political parties at the time of candidacy; was not a member, associate or beneficiary of State Security prior to 1990; and, was not a collaborator, informant, or secret service agent (Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

Q112 (2021): According to the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, one of the admissibility criteria is the non-conviction of a candidate by a final criminal decision of committing a criminal offense which, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or severely damages the public trust in the judicial system, regardless of whether he/she has been rehabilitated.
Q115 (General Comment): According to Article 29, of the Law “On the status of judges and prosecutors”, as amended, the call for admissions od candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

Q115 (2024): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial Council and High Prosecutorial Council, and in at least in one of the newspapers with higher printing in the country.
Q115 (2022): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial and High Prosecutorial Council, and in at least in one of the newspapers with higher printing in the country.
Q115 (2021): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, the call for admissions od candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

Q116 (General Comment): According to Article 30/4, of the Law “On the status of judges and prosecutors”, as amended, the School of Magistrates, within March of each year publish on its website, the pre-selected list of candidates for prosecutors who fulfil the legal criteria provided in Article 28, of this law.

Q117 (General Comment): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended. The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law “On Governance Institutions of the Justice System” and in the respective bylaw acts. Law on governance institutions does not provide as specific rule on the appeal of the applicant. Therefore, general rule of appeal are applicable. Hence, the appeal is submitted at the first instance administrative court.

Q118 (2024): According to Article 30/5, of the Law no. 96/2016 “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended.

Q118 (2022): We have checked “judicial academy” in the last version of the answers because the candidates who have taken the entry exam have the right to see/check their exam papers after making a request/complaint, when they do not agree with the result, at the Judicial Academy, in this case the School of Magistrates of Albania. The court option is checked because they can appeal against their results/score of the entry exam in court, if they choose to do so.

According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended.

Q118 (2021): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”.

Q119 (General Comment): Article 28, of the Law on the status of judges and prosecutors provides for the following selection criteria applicable to both judges and prosecutors:
All persons are entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, as long as they fulfil simultaneously the following criteria:
a) Have full capacity to act;
b) Be an Albanian citizen;
c) Have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of "Master of Science" and have passed the state exam for jurists in Albania, or have graduated in law with the minimum points set out by the School of Magistrates in a European Union Member State and have been awarded an equivalent diploma, recognised under the rules for recognition of diplomas provided by law;
ç) Have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
d) Have never been criminally convicted by a final decision;
dh) Have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction;
e) Not to be a member of political parties at the time of application;
ë) Have not been a member, collaborator or favoured by the State Security before 1990;
f) Have not been a collaborator, informant, or agent of any secret service.
Except the fulfilment of the legal criteria provided in Article 28, of the Law "On the status of judges and prosecutors", as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law "On the status of judges and prosecutors", as amended).
Lastly, as provided in article 32 of the status law, a student at the School of Magistrates can be appointed as a judge or a prosecutor if it fulfills the following criteria:
a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

Q119 (2024): According to Article 28, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, (above mentioned in Q.112), the candidates for prosecutors who successfully pass the entry exam of the School of Magistrates, undergo a process for verification of the integrity and assets as an additional criterion before they are accepted at the School of Magistrates. Negative results from this verification result in rejection of the candidate. The verification process is carried out from High Judicial /Prosecutorial Council (Article 32, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended).

Q119 (2022): The focus of the question, regarding the selection criteria of judges/prosecutors, is after the entry exam. After the entry exam, the selection is made only on the basis of the results/score they received in the exam. The criteria of work performance and experience are applied in the pre-selection phase of the candidates who apply to be registered to take the entry exam. Except the fulfilment of the legal criteria provided in Article 28, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates. The verification process is carried out from High Judicial /Prosecutorial Council (Article 32, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended).

Q119 (2021): Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and prosecutors”, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law “On the status of judges and prosecutors in the Republic of Albania”)
Q120 (General Comment): According to Article 32/2, of the “On the status of judges and prosecutors”, as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realised from the High Prosecutorial Council who requests reporting from the competent institutions for the verification of integrity and assets and any other exceptional cause, from the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax and customs administration bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body that has supervised the discipline in the previous employment relations of the candidates.
Q120 (2023): According to Article 32/2, of the Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realized and finalised from the High Prosecutorial Council. Before the decision, High Prosecutorial Council requests reports from the other national competent institutions for the verification of integrity and assets and any other exceptional cause, such as the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax and customs bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body.
Q121-1 (General Comment): As answered in the Questionnaire, in principle, the High Prosecutorial Council on the final appointment procedure has a right to appoint some and reject some among the selected (proposed) candidates. According the article 35, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, a graduate in the Judicial Academy, to be appointed as magistrate should fulfill these three criteria:
a) be graduated in the Initial Forming Program of Judicial Academy with at least 70 % of the total possible points;
b) is evaluated at least “good” on all the duties assigned during dhe professional experience in the third year of Initial Forming;
c) pass again the verification of integrity and assets realized from the Council, in accordance with this law. Also, a graduate in the Judicial Academy, may ask for justified reasons, to be appointed in the following year.
Within a month after the publication of the list of graduates, the Council may:
a) appoint as magistrate each person in the graduated list who fulfil the appointment criteria or refuse to appoint each person who is in the graduated list but doesn’t fulfil the appointment criteria b) allow the candidate who fulfill the appointment criteria to be appointed the following year.

Q123 (General Comment): According to article 192/1, of the Law “On the governance institutions of justice system”, as amended, for the individual administrative acts of the Council such as a refusal to appoint a graduate as a prosecutor an appeal may be submitted in the Administrative Court of Appeal within 15 days from the notice.
Q124 (2021): According to Articles 32 and 35/1, of the Law “On the status of judges and prosecutors”, as amended, the High Prosecutorial Council carries out the process of verifying the integrity of the candidates who passed successfully the entry exam before they are accepted in the initial formation programme at the School of Magistrates and of the graduated students in the School of Magistrates before they are nominated magistrate and appointed in the position of a prosecutor.
The audit includes reporting by the institutions responsible for verifying the integrity such as the prosecution, state intelligence services, and any disciplinary body that has overseen discipline in the candidate's previous employment relations (above mentioned).

Q125 (General Comment): According to the Law “On the status of judges and prosecutors”, as amended, the prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;
- dismissal; - when is established the fact of inability to perform the duty.
According to Article 64/1, the Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutor’s mandate may terminate also in cases when: the prosecutor has resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty. By the request of the prosecutor, the Council may postpone compulsory retirement age until 70 years old.
Q125 (2023): According to Article 64/1, the Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutors mandate may terminate also in cases when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension, according to the provisions of this law; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty.

Q125 (2022): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutors mandate may terminate also in cases when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension, according to the provisions of this law; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty.

Q125 (2021): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, the prosecutors mandate may terminate also when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; dismissal; when is established the fact of inability to perform the duty.
Q133 (General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.
- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:
a) Firstly, two previous evaluations, taking into consideration that:
i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
c) Thirdly, if after the evaluation made under letter “b” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.
The Councils shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article.

Q133 (2024): only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

Q134 (General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) Very good': in case of an above average ethical and professional performance c) 'Good': in case of an average ethical and professional performance; ç) 'Acceptable': in case of a below average ethical and professional performance; d) 'Incapable': in case of a poor ethical and/or professional performance. Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

Q134 (2024): Since the very beginning, in addition to the legal provisions foreseen in the Law Status for the promotion procedure, the HJC has fully implemented the recommendation of the Venice Commission. All judges promoted to higher courts have successfully passed the vetting process with a final decision. This precondition is mandatory for all candidates to be firstly considered for promotions. Additionally, candidates must undergo 2 consecutive evaluations to be eligible in a promotion procedure. The evaluation process assesses the professional and organizational skills of candidates, as well as their ethics and professional commitment, based on a new scheme adopted by the Council. Only applicants who have no disciplinary sanction in force, shall be allowed to participate further in a promotion procedure.

Q136 (General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court. The competent court is Tirana Administrative First Instance Court

Q138 (General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
The High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 303, dated 19.09.2023, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
1. The Special Commission conducts an initial evaluation of all candidates to determine whether they meet the legal requirements for promotion to office as a Prosecutor in the Special Prosecutor's Office or as head of this prosecutor's office.
2. The Special Commission proposes to the Council the qualification of candidates who meet the legal requirements.
3. The High Prosecutorial Council qualifies candidates who meet the legal requirements and announces the official list of candidates.

Q138 (2022): The specific comment made in this cycle for Q138, is different from the general comment, anyway The GENERAL comment is still valid. Also, in the end of the comment may be added: The promotion procedure at the highest levels of prosecution takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 51, dated 19.03.2019, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
a) First, Ad-Hoc Commission perform an initial assessment of all candidates to determine if they meet the legal requirements for promotion to office as a special prosecutor.
b) Then, the Commission proposes to the Council the disqualification of candidates who do not meet the legal requirements.
c) The High Prosecutorial Council disqualifies any candidate who does not meet the legal requirements and announces the official list of candidates who continue the evaluation process.
d) The Commission continues with the evaluation and conducts the interviews with the candidates. The Commission requests from public institutions any type of document important for the evaluation.
e) The Commission uses documents and letters of motivation to make relevant proposals for the evaluation of candidates, based on:
i. previous professional evaluations; and
ii. special ethical and professional criteria. The Council also takes into account the candidate's personal and professional commitment as an expert.

Q138 (2021): High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020.

Q139 (General Comment): Regarding the promotion to the highest levels in Prosecution Offices of the general jurisdiction and the promotion of heads of Prosecution Offices of the general jurisdiction, other promotion criteria are the lack of disciplinary measures and the successful review of the verification of assets and image of candidates. And, for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime, other criteria is the fulfilling of the security conditions, provided for in Article 6 of Law no. 95/2016 "For the organization and functioning of institutions to fight corruption and crime e organized", as amended, including the condition that candidates must have submitted valid expression forms of consent for the periodic control of bank accounts and personal telecommunications, signed by the candidate and close family members.

Q139 (2021): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position.
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended. Also, High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020. The purpose of the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. is to define the criteria and procedure for the promotion of prosecutors in the leading position of the Prosecutions offices.

Bosnia and Herzegovina

Q089 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q090 (General Comment): Clean criminal record:
During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.
The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?
Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.
Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

Q090 (2024): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.
The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?
Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her. Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

Q090 (2019): Clean criminal record:
During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.
The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?
Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.
Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

Q094 (General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Q094 (2019): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.
Q095 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q095 (2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Q096 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q096 (2024): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q096 (2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q097 (General Comment): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.
Q097 (2024): The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Q097 (2019): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Q098 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q099 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q100 (General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, read as follows:
Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b
(Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Q101 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Q102 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Q102 (2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Q103 (General Comment): Through the check of disciplinary proceedings and sanctions:

In the competition procedure for the post of a judge or a prosecutor information is checked whether disciplinary proceedings are being conducted against the candidate, whether a final disciplinary measure has been imposed to the candidate, meaning whether the candidate has been convicted. The said information impact the decision whether the candidate will be invited to an interview, meaning whether or not they will further participate in the competition procedure. If a disciplinary measure is imposed to the candidate in a certain time period, depending on the measure, they cannot participate in the competition procedure. Through an integrity assessment test:

The candidate's ability to responsibly, independently and impartially hold the office they applied for, professional impartiality and reputation and conduct outside the job is one of the criteria examined in the interview with the candidate by asking suitable questions.

Q103 (2022): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

Q103 (2021): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

Q104 (General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina the mandatory
retirement age for judges is age seventy (70). A judge can be removed from office as a disciplinary sanction. The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A judge can resign from office. A judge can be removed from the office because it has been proven by the medical documentation that she or he has permanently lost the working capacity to perform his/her judicial function.

Reserve judges may be appointed on a temporary basis (up to 2 years).

Their role is to assist courts in reducing case backlogs, or to replace temporarily judges who are absent for a prolonged period of time. They are appointed in the publicly announced procedure by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina upon application by the president of a court; the High Judicial and Prosecutorial Council of Bosnia and Herzegovina may renew the mandate of reserve judges following the request of the president of a court.

Q111 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q112 (General Comment): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the prosecutorial function.

Q112 (2019): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the prosecutorial function.

Q113 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.
All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.
Q116 (General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.
Q116 (2019): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Q117 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q117 (2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Q118 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Q118 (2024): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

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Q119 (General Comment): The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Q119 (2024): The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Q119 (2019): Other: The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Q120 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q121 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by its competent sub-council .
The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the
Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.
All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q121 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by the competent its sub-council .

Q121-1 (General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, read as follows:
Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b
(Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Q123 (2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q124 (General Comment): Through the check of disciplinary proceedings and sanctions:
In the competition procedure for the post of a judge or a prosecutor information is checked whether disciplinary proceedings are being conducted against the candidate, whether a final disciplinary measure has been imposed to the candidate, meaning whether the candidate has been convicted. The said information impact the decision whether the candidate will be invited to an interview, meaning whether or not they will further participate in the competition procedure. If a disciplinary measure is imposed to the candidate in a certain time period, depending on the measure, they cannot participate in the competition procedure. Through an integrity assessment test:
The candidate’s ability to responsibly, independently and impartially hold the office they applied for, professional impartiality and reputation and conduct outside the job is one of the criteria examined in the interview with the candidate by asking suitable questions.

Q124 (2022): The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.
Q124 (2021): The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.
Q125 (General Comment): Pursuant to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the mandatory retirement
age for prosecutors is age seventy (70). According to the Law, the disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A prosecutor is entitled to resign from office. He/she can be removed from office if it has been proven by the
medical documentation that he/she has permanently lost the working capacity to perform his/her judicial or prosecutorial function.
Q133 (General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.
Q133 (2019): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
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The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.

Q134 (General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.
Q134 (2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

Q135 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q136 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q136 (2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Q138 (General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q111.
Q138 (2024): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and
Prosecutorial Council of Bosnia and Herzegovina. Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC)

Q138 (2019): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q111.

Q139 (General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

Q139 (2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Other criteria for candidate ranking are checked in an interview.
Q140 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure.
Q141 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.
Q141 (2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro

Q089 (General Comment): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

Q089 (2024): see general comment

Q089 (2022): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection the Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notice for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

Q090 (General Comment): RULES OF THE JUDICIAL COUNCIL Application to a public announcement
Article 46Application to a public announcement represents a standard pattern, which is an integral part of these Rules.
The application form contains a warning that giving untrue or false informations shall result in exclusion of candidates from consideration.
With a completed and signed application form a candidate submits the following documents:
- A certified copy of the certificate on citizenship of Montenegro;
- Medical certificate;
- A certified copy of all university diplomas;
- A certified copy of certificate of having passed the bar exam;
- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for which criminal offense;
- A statement that he/she is not a member of any political organization

Q090 (2024): no prior convictions or criminal proceedings
regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

Q090 (2023): no prior convictions or criminal proceedings
regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

Q090 (2022): no prior convictions or criminal proceedings
regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

Q091 (General Comment): According to the Constitution, Judicial Council elects the judges and court presidents. The Law on Judicial Council and Judges and the Rules of Procedure of Judicial Council regulate the procedure for the selection of judges and court presidents. The Judicial Council conducts the procedure for the selection of judges and makes decisions on election of judges after the procedure is completed.

Q092 (General Comment): The public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

Q094 (General Comment): Link to the Law on Judicial Council and judges- articles 47-51
Criteria for Appointment of Judges Appointed for the First Time
Article 47 -The criteria for appointment of judges appointed for the first time shall be: 1) Grade on the written test referred to in Article 48 of the present Law, or the grade on the bar exam, in accordance with the law governing the bar exam; 2) Evaluation of the interview with the candidate.
Written Testing Article 48- The Judicial Council shall conduct written testing of persons appointed as judges of Basic Court for the first time, who meet the statutory requirements and whose applications are timely and complete, through a commission consisting of three members of the Judicial Council, of which two from among the judges and one from among eminent lawyers. Written testing shall not be conducted for the persons referred to in paragraph 1 of this Article who received grades at the bar examination. The written test shall be prepared by the commission referred to in paragraph 1 of this Article, and shall include drafting of decisions in criminal and civil matters. The written test shall be answered under a code. Assessment of the written test shall be performed by a certain number of points awarded for the decision form, the application of law and the rationale of the decision, in such a manner that the maximum of 80 points may be achieved, of which up to 40 for drafting a decision in the criminal field and up to 40 for drafting a decision in the civil field. The written test shall be examined by the commission referred to in paragraph 1 of this Article, which shall submit it, along with proposed grade, to all members of the Judicial Council. The Judicial Council shall determine the grade at the written test. Implementation of the written testing shall be governed by the Rules of Procedure of the Judicial Council.
Interview Article 49 -The Judicial Council shall conduct an interview with persons who have achieved a score of more than 60 points in the written test or the bar exam. At an interview, the following shall be evaluated: - Motivation for work in court; - Communication skills;
- Ability to make decisions and resolve conflicts; - Comprehension of the role of a judge in society. Evaluation based on criteria referred to in paragraph 2 of this Article shall be exercised in such a manner that each member of the Judicial Council shall determine the number of points awarded to each person, where a person may achieve a maximum of 20 points at an interview. The final grade at an interview
shall be the average number of points, which is determined based on the number of points awarded by each member of the Judicial Council. A person who, based on the interview evaluation, scores less than 15 points at an interview may not be on the ranking list of candidates for judges. While conducting an interview, the Judicial Council may use the expert assistance of psychologists.
Ranking List of Candidates for Judges- Article 50 On the basis of grades in the written test or the bar exam and interview evaluation, the ranking list of candidates for judges shall be made (hereinafter: the ranking list), according to the number of points achieved. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on a written test or the bar exam, and if candidates have scored the same number of points on the written test or the bar exam, the preference shall be given to the candidate who is a member of a minority or other minority ethnic community. If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.
Appointment and Assignment of Candidates for Judges- Article 51 The Judicial Council shall make a decision on the appointment of as many candidates for judges as advertised

Q096 (General Comment): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire procedure.

Q097 (General Comment): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized for training judges and mentors in the conducted training, on the basis of the Law on Judicial Council and Judges and the Final proposal of the grades, brings a decision determining the grade of the proposed candidate.

Q101 (General Comment): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.
Article 52 of the Law on Judicial Council and Judges : ”A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present Law.”
Q104 (General Comment): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.
A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office;
unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.
Q111 (General Comment): The Law on State Prosecutor's Office defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.
Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.
Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar
examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview. Criteria for promotion of the state prosecutor:
-grade given in the performance evaluation
- interview evaluation grade

Q111 (2024): Law on State Prosecutor's Office, Article 57 - Advertising vacancies:
Vacant posts of state prosecutors in basic state prosecutor’s office shall be filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecutor’s office to another.
If a vacant post of the state prosecutor is not filled in according to paragraph 1 of this Article, state prosecutors in basic state prosecutor’s offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecutor’s offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media based in Montenegro.

Q111 (2023): Law on State Prosecutor's Office, Article 57 - Advertising vacancies:
Vacant posts of state prosecutors in basic state prosecutor’s office shall be filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecutor’s office to another.
If a vacant post of the state prosecutor is not filled in according to paragraph 1 of this Article, state prosecutors in basic state prosecutor’s offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecutor’s offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media based in Montenegro.
Q111 (2022): Law on State Prosecutor's Office, Article 57 - Advertising vacancies:
Vacant posts of state prosecutors in basic state prosecutor’s office shall be filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecutor’s office to another.
If a vacant post of the state prosecutor is not filled in according to paragraph 1 of this Article, state prosecutors in basic state prosecutor’s offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecutor’s offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media based in Montenegro.

Q112 (General Comment): That no criminal proceedings are conducted; a medical certificate of fitness.
"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing application. "Other" - Certificate of Citizenship of Montenegro; Certificate on Health Capability.
Q112 (2024): The criteria for applying for the procedure to become a prosecutor are defined in accordance with the Law on State Prosecution "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024, articles 49 and 50

Q112 (2023): The competent authority issue relevant documents confirming that no criminal record of convictions or no criminal proceedings are being conducted against the candidate.

Q112 (2022): The competent authorities issue relevant documents confirming that no criminal record of convictions or no criminal proceedings are being conducted against the candidate.

Q113 (General Comment): The jurisdiction for selection of prosecutors and heads of prosecution offices is under the Prosecutorial Council. The Prosecutorial Council establishes the plan of vacated positions, announces the public call, receiving applications conducts the written testing procedure, performs the interview with the candidates, making decision on selection etc.
Q114 (General Comment): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro

Q115 (2024): The criteria are defined by the Law on State Prosecution "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024 and to members, Article 5
articles 57-67, 67a

Q117 (General Comment): Art. 64 of the Law on State Prosecution Service: "Rights of Applicants
Article 64
In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.
Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."
Q118 (General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.
Q118 (2024): Administrative court
Q118 (2023): Administrative court
Q118 (2022): Administrative court
Q118 (2021): Administrative Court
Q119 (General Comment): That the candidate for the state prosecutor receives grade “satisfactory” at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution).
Q121-1 (General Comment): State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.
The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, candidate for state prosecutor exercises in order from the Ranking list from art. 62 of this Law.
The Prosecutorial Council shall make a decision on deployment to the basic prosecution office of elected state prosecutors based on the right to of candidate the election referred to in para. 2 above. (Law on State Prosecution Service)
Q121-1 (2024): The Prosecutor's Council selects and appoints candidates for state prosecutors
Q123 (General Comment): The candidate has the right to file an action with the Administrative Court.
Q123 (2023): Administrative court
Q123 (2022): Administrative court
Q124 (2021): The verification is carried out by examining the documentation submitted by the candidate who applied to the advertisement and the documentation obtained ex officio in accordance with applicable legal regulations.

Q125 (General Comment): The function of the state prosecutor is permanent. Exceptionally, a person elected for the first time as a state prosecutor is elected for a term of 4 years. The Supreme State Prosecutor and the heads of state prosecutor's offices are elected for a term of five years.
The head of the state prosecutor's office and the state prosecutor shall be relieved of his / her duties if he / she is sentenced to unconditional imprisonment by a final judgment. Dismissal shall be pronounced for the most serious disciplinary offenses: 1) if he / she is convicted of 2) if he performs the prosecutorial function unprofessionally and unscrupulously.
The function of the State Prosecutor shall cease: 1) upon the expiration of the mandate; 2) resignation; 3) fulfilling the conditions for old-age pension; 4) termination of citizenship. The position of the head of the State Prosecutor's Office shall cease when: 1) the term for which he was elected expires; 2) his prosecutorial function ceases; 3) request it himself or in the case of abolition or merger of state prosecutor's offices. ,

Q126 (2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.
Q127 (General Comment): Prosecutorial Council
Q127 (2024): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.
Q127 (2023): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.
Q127 (2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.
Q128 (General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Q133 (General Comment): On the basis of article 72-75 of the Law on Judicial Council and judges
Promotion of Judges Conditions for Promotion Article 72
The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.
A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.
Public Announcement
Article 73
In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate
Court and the Supreme Court, in accordance with the Plan of Vacancies.
The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.
Criteria for the Judge Who Is Promoted
Article 74
The criteria for the appointment of the judge who is promoted shall be:
1) Work appraisal of the judge or public prosecutor;
2) Evaluation of the interview with the candidate.
Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview. Decision on Appointment
Article 75
The Judicial Council shall conduct an interview with the applicants.
A ranking list shall be prepared on the basis of the work appraisal and interview evaluation referred to in Article 74 of the present Law. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on the basis of work appraisal, and if candidates have scored the same number of points on these grounds, preference shall be given to the candidate who is a member of a minority or other minority ethnic community.
If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.

Q133 (2024): On the basis of article 72-75 of the Law on Judicial Council and judges
Promotion of Judges Conditions for Promotion Article 72
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If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.
The procedure of conducting the interview shall be governed by Article 49 of the present Law.

Q134 (General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate.
Q134 (2023): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate

Q134 (2022): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate

Q136 (General Comment): Administrative Court
Q137 (General Comment): Prosecutorial Council
Q138 (General Comment): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.
Criteria for the election of state prosecutors:
- performance grade and
- grade in the interview.

Q138 (2024): rticle 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

Q138 (2023): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

Q138 (2022): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

Q139 (General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.
Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.
Professional knowledge is evaluated based on the following sub-criterion:
1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.
General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the following sub-criteria:
1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate prosecutorial staff and 4) participating in various professional activities.

Q139 (2024): Law on State Prosecutor's Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor's office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.
Years of experience is a requirement different for each Prosecutor s Office

Q139 (2023): Law on State Prosecutor’s Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor’s office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor’s office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor’s Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor’s Office referred to in Article 50 paragraph 3 of this Law.

Q139 (2022): Law on State Prosecutor’s Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor’s office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor’s office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor’s Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor’s Office referred to in Article 50 paragraph 3 of this Law.

Q141 (General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.
Q141 (2023): Administrative court
Q141 (2022): Administrative court. In accordance with the Law on State Prosecutor's Office, Article 40, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

North Macedonia
Q089 (General Comment): All judges are elected by the Judicial Council. Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Enterance in the initial trainig in the Academy for judges and prosecutors is through enterance exam. The initial training entry exam shall consist of taking the following: - test for the knowledge level of one of the three most commonly used languages of the European Union (English, French or German),
- psychological test, - integrity test,
- qualification test and - practical exam.
Q089 (2021): All judges are elected by the Judicial Council. Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

Q090 (General Comment): Law on Academy for judges and public prosecutors
Article 57, p.1
(1) Conditions for admission of a person to initial training shall be:
- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.
Criminal code
Prohibition on practicing profession, performing an activity or duty
Article 38-b
(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.
(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.
(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.
(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.
(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Q090 (2024): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.
Q090 (2023): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.
Q091 (General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions.The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.
The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.
The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of Macedonia, from the courts of appeal, from the basic courts, and one member from the Administrative Court or the Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

Q091 (2024): Competent authority for entrance in the initial training of the Academy for Judges and public Prosecutors is Commission for entrance exam. The Management Board of the Academy appoints the members of the Commission for entrance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.
Q091 (2023): Competent authority for enterance in the initial training of the Academy for Judges and public Prosecutors is Commission for enterance exam. The Management Board of the Academy appoints the members of the Commission for enterance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.
Q095 (2024): Following the expiry of the application deadline, the Commission for entrance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.
Q095 (2023): Following the expiry of the application deadline, the Commission for enterance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.
Q096 (General Comment): Right of appeal
Article 88
(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

Q096 (2024): The Management Board of the Academy is competent to decide on complaints of applicants.
Q096 (2023): The Management Board of the Academy is competend to decide on complaints of aplicants.
Q097 (General Comment): Judicial Council adopted the Rulebook on the method of ranking candidates for judges from the Academy for Judges and Public Prosecutors, available at http://www.sud.mk/wps/portal/ssrm/sud/legislativa/podzakonski-akti/!ut/p/z1/hZHNTsMwEISfpYcc8W5-6hpukRAJBalwME33gtLIJJHquHKd5vVbtyckcPa20nyzox0gqICG-ty3tevNUB-u-474Ny-yDMUbvhfxRmAuN5I_li_Jc7GCbUggZQoU5r-AgJrRWjU42Dk7qrClZ7wl_jM5hvn152ykOx84MMvTXEQKedwihgT-rWugfq_Z1GiGTMTpMk0EX2ZJJlY89rXlwz4VLZBVP8oqy0Z7bbNz7nh6ijDCaZpYa0x7UKwxOsK_kM6cHFS_lVCivx0Od9RSP0hZYf-ht8KJ13yxuAAllS7M/p0/IZ7_6G4408K0LG1O80AUOU69HF2DO7=CZ6_6G4408K0LG1O80AUOU69HF2DG7=MECTX!QCPsovet_mkQCPSudQCPLegislativaQCPPodzakonskiQCAaktiQCPPodzakonskiQCAakti=ns_Z7_6G4408K0LG1O80AUOU69HF2DO7_WCM_Page.7e4d7b72-297c-4395-bbd7-4f25f1b2c8cf!2=WCM_PI!1==/#Z7_6G4408K0LG1O80AUOU69HF2DO7

Q097 (2024): To pass the final exam on the initial training within the Academy for Judges and Public Prosecutors.
Q097 (2023): To pass the final exam on the initial training within the Academy for Judges and Public Prosecutors.
Q098 (2024): Commission for final exam within Academy.
Q098 (2023): Commission for final exam within Academy.
Q101 (General Comment): Law on Judicial Council, article 49, paragraph 5
The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.
The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.
This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.
Q102 (2024): Appeal Council within the Supreme Court is competent to decide on the appeal of candidate who is not appointed by the Judicial Council.
Q102 (2023): Appeal Council within the Supreme Court is competent to decide on the appeal of candidate who is not appointed by the Judicial Council.

Q103 (General Comment): The integrity of candidate judge is checked with a conducting on a psychological and integrity test by the Judicial Council according to the article 45-a from the Law on courts.
Article 45-a
(1) The psychological test, conducted by the Judicial Council of the Republic of Macedonia, shall aim at affirming the candidates for exercising the judicial office by checking their social skills.
(2) The integrity test that is conducted by the Judicial Council of the Republic of Macedonia shall be founded on the existing ethical and professional codes for exercising the judicial office and shall aim at checking the ethical and moral values of the candidate for exercising the judicial office, and shall consist of:
- test that is conducted in a written form and anonymously, based on the standardized list of questions, and- abolished
(3) The Judicial Council of the Republic of Macedonia, when conducting the psychological test and the integrity test, shall be obliged to take into account the protection of the personal data, reputation and dignity of the candidate in accordance with the law.
(4) The Judicial Council of the Republic of Macedonia shall engage experts from an independent and fully accredited professional institution for conducting the psychological test and the first part of the integrity test.
(5) The psychological test shall be conducted on the basis of internationally recognized psychological tests for exercising the judicial office that are applied in at least one of the member states of the European Union and the OECD.
Q104 (General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia.
Q104 (2024): With the amendments to the Labor Law from February 2025, there is a possibility for judges to prolong their retirement until 67.
Q104 (2022): In 2022, the official compulsory age of retirement is 64 years (please, see the general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.
Q108 (General Comment): All judges are appointed for a life.

Q111 (General Comment): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. In the Law on Public Prosecution the public prosecutor can be appointed among any person that meets the general terms set by law on employment in a state body, as well as the following conditions Basic Conditions:
- to be a citizen of the State
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in the State or a recognized diploma from abroad and - to have the Judicial exam.
For State Public Prosecutor can be appointed a person who meets the above mentioned terms, as well as the following special terms:
- 8 years professional experience in legal matters, after taking the judicial exam, or a full-time or part-time university professor that has been teaching a law related subject or a judicial practice subject for more than 10 years.
For Public prosecutor in the State Public Prosecution Office can be appointed a person who besides mentioned basic conditions meets the following terms:
- 8 years professional experience in legal matters with acknowledged results, after taking the judicial exam.
For Higher public prosecutor of a Higher Public Prosecution can be appointed any person that besides the mentioned basic conditions has professional experience of at least 5 years as a public prosecutor with acknowledged results in the work.
For public prosecutor in a Higher Public Prosecution can be appointed any person who besides the basic conditions meets the following special terms:
- 5 years professional experience in legal matters with acknowledged results, after taking the judicial exam
For Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and a public prosecutor in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption can be elected a person that besides the basic conditions has professional experience of at least 4 years as a public prosecutor with acknowledged achievements in the work.
For public prosecutor in a Basic Prosecution can be appointed any person who besides basic conditions mentioned above meets the following special terms:
- Completed training at the Academy for training of judges and public prosecutors.
In the Law on Public Prosecution is defined that in the position of the State Public prosecutor, high public prosecutor and in the public prosecution for prosecution of the organised crime and corruption, the Council will select a person with
confirmed results at work, who has professional and experts qualities who as well enjoys
authority in performing his function, based on the following criteria:
1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,

Q111 (2024): All public prosecutors are appointed by the Council of Public Prosecutors except Public Prosecutor of the Republic of North Macedonia who is appointed by the Parliament. Public prosecutors in basic public prosecution offices are appointed by the Council of Public Prosecutors from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Entrance in the initial training in the Academy for judges and prosecutors is through entrance exam. The initial training entry exam shall consist of taking the following: - test for the knowledge level of one of the three most commonly used languages of the European Union (English, French or German),
- psychological test, - integrity test,
- qualification test and - practical exam.

Q111 (2023): All public prosecutors are appointed by the Council of Public Prosecutors exept Public Prosecutor of the Republic of North macedonia who is appointed by the Parliament. Public prosecutors in basic public prosecution offices are appointed by the Council of Public Prosecutors from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Enterance in the initial trainig in the Academy for judges and prosecutors is through enterance exam. The initial training entry exam shall consist of taking the following: - test for the knowledge level of one of the three most commonly used languages of the European Union (English, French or German),
- psychological test, - integrity test,
- qualification test and - practical exam.

Q112 (General Comment): Law on Academy for judges and public prosecutors
Article 57, p.1
(1) Conditions for admission of a person to initial training shall be:
- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.
Criminal code
Prohibition on practicing profession, performing an activity or duty
Article 38-b
(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.
(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.
(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.
(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.
(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Q112 (2024): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.
Q112 (2023): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.
Q113 (General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions.The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.
The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.
The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of Macedonia, from the courts of appeal, from the basic courts, and one member from the Administrative Court or the Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

Q113 (2024): Competent authority for entrance in the initial training of the Academy for Judges and public Prosecutors is Commission for entrance exam. The Management Board of the Academy appoints the members of the Commission for entrance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.
Q113 (2023): Competent authority for enterance in the initial training of the Academy for Judges and public Prosecutors is Commission for enterance exam. The Management Board of the Academy appoints the members of the Commission for enterance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.
Q113 (2021): Entry selection procedure is conducting by the Commission for entering exam which is formed by the Management board of the Academy for judges and public prosecutors. Commission is composed by four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist.
Q117 (2024): Following the expiry of the application deadline, the Commission for entrance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.
Q117 (2023): Following the expiry of the application deadline, the Commission for enterance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.

Q118 (General Comment): Right of appeal
Article 88
(1) A candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
(2) The Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.
Law on Academy for Judges and Public Prosecutors
II. BODIES OF THE ACADEMY
Article 10
Bodies of the Academy are the Management Board, the director, the deputy director and the Program Council.
Management board
Article 11
(1) The Management Board is the management body of the Academy and consists of 9 members.
(2) Four members and their deputies in the Management Board are proposed by the Judicial Council of Republic of Macedonia and one member each from the ranks of judges from the Supreme Court of The Republic of Macedonia, from the appellate courts, from the basic courts, as well as one member from the Administrative Court or from the Higher Administrative Court.

Q118 (2024): The Management Board of the Academy is competent to decide on complaints of applicants.
Q118 (2023): The Management Board of the Academy is competend to decide on complaints of aplicants.

Q118 (2021): Law on Academy for judges and public prosecutors
Right of appeal
Article 88
(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.
The Management board is not different from the Board of Directors.For the composition on the Commission and the Management board please see comment on Q091.

Q119 (General Comment): Law on the Public Prosecutors Council
Election of a public prosecutor in the basic public prosecution offices
Article 37
(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement, after a year of completion of the training.
(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and Public Prosecutors.
Q119 (2024): To pass the final exam on the initial training within the Academy for judges and public prosecutors.
Q119 (2023): To pass te final exam on the initial training within the Academy for judges and public prosecutors.
Q120 (2024): Commission for final exam within Academy.
Q120 (2023): Commission for final exam within Academy.
Q121 (2021): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed) candidates.
Q124 (2022): Integrity test is part of the entering exam on the Academy for judges and Public Prosecutors.

Q124 (2021): The integrity is not checked in the process of election on the candidate for prosecutors. Only there is integrity test as a part of the entering exam on the Academy for judges and pubic prosecutors for election on the initial training participants.
Q125 (General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia.
Q125 (2024): With the amendments to the Labor Law from February 2025, there is a possibility for public prosecutors to prolong their retirement until 67.
Q125 (2022): The official compulsory age of retirement is 64 years (see general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.

Q133 (General Comment): Law on Judicial council
Criteria for the election of a judge of a higher court Article 48
(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.
(…)
(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.
(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council. (5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.
Decision on the selection of a judge Article 49
(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his decision regarding the selection of a judge. (4) The Council shall be obliged to inform every candidate about the decision on selection of a judge in writing. (5) The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

Q133 (2021): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council
Criteria for the election of a judge of a higher court Article 48
(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge’s position.
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

Q134 (General Comment): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows: 1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council Criteria for the election of a judge of a higher court Article 48
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria: 1) expert knowledge and specialization in the field and participation in continuous training; 2) positive evaluation of his work 3) capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions 4) undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases; 5) undertaking additional work when performing judicial office by means of mentorship, education, and alike; 6)length of judicial service.

Q136 (General Comment): Appeal Council in the Supreme court.
The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.
The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan. This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Q138 (General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office.
The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.
With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime and corruption.

Q138 (2021): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of
organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.
The candidate, who wins the majority of votes from the total number of Council members, shall be appointed a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor.
In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public
prosecutors at the same public prosecutor's office.

Q139 (General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years; Public prosecutor in a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last four years; Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least six years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last three years; Basic public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least four years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last two years; Basic public prosecutor of a basic public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last two years.

Serbia

Q089 (General Comment): A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, qualified, and worthy to perform the function of a judge can be elected as a judge.
After passing the bar exam, work experience in the legal profession is required:
1) two years for the judge of the misdemeanor court;
2) three years for a basic court judge;
3) six years for a judge of the higher court, the commercial court and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.
Other conditions for the selection of a judge are expertise, competence and worthiness.
Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.
Competency means skills that enable effective application of specific legal knowledge in solving court cases.
Dignity implies moral qualities that a judge should possess and conduct in accordance with those qualities.
The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.
Indicators for the assessment of expertise, competence and worthiness are prescribed by the High Council of the Judiciary, in accordance with the law.
Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time.
The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the High Council of the Judiciary.
Success in the exam is expressed in grades from 1 to 5.
A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take an exam organized by the High Council of the Judiciary, but the final grade at the initial training is taken as a measure of expertise and competence. at the Judicial Academy.
The High Council of the Judiciary prescribes the program and method of taking the exam, which evaluates the expertise and competence of candidates for the position of judge.
Discrimination on any basis is prohibited during the nomination for the election of a judge and the election of a judge.
When proposing for the election of a judge, as well as when electing a judge, account is taken of the national composition of the population, the appropriate representation of members of national minorities and knowledge of professional legal terminology in the language of the national minority, which is in official use in the court.

Q089 (2024): THE LAW ABOUT JUDGES ("Official Gazette of RS", No. 10/2023)
A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, qualified, and worthy to perform the function of a judge can be elected as a judge. After passing the bar exam, work experience in the legal profession is required:
1) two years for the judge of the misdemeanor court;
2) three years for a basic court judge;
3) six years for a judge of the higher court, the commercial court, and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.
Other conditions for the selection of a judge are expertise, competence, and worthiness.
Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.
Competency means skills that enable the effective application of specific legal knowledge in solving court cases.
Dignity implies moral qualities that a judge should possess and conduct by those qualities.
The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance, and exemplary behavior,
and behavior by these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.
Indicators for the assessment of expertise, competence, and worthiness are prescribed by the High Council of the Judiciary, by the law.
Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time.
The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the High Council of the Judiciary.Success in the exam is expressed in grades from 1 to 5.
A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take an exam organized by the High Council of the Judiciary, but the final grade at the initial training is taken as a measure of expertise and competence. at the Judicial Academy.
The High Council of the Judiciary prescribes the program and method of taking the exam, which evaluates the expertise and competence of candidates for the position of judge.
Discrimination on any basis is prohibited during the nomination for the election of a judge and the election of a judge.
When proposing for the election of a judge, as well as when electing a judge, account is taken of the national composition of the
population, the appropriate representation of members of national minorities and knowledge of professional legal terminology in the language of the national minority, which is in official use in the court.

Q089 (2023): THE LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)
A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, qualified, and worthy to perform the function of a judge can be elected as a judge.
After passing the bar exam, work experience in the legal profession is required:
1) two years for the judge of the misdemeanor court;
2) three years for a basic court judge;
3) six years for a judge of the higher court, the commercial court, and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.
Other conditions for the selection of a judge are expertise, competence, and worthiness.
Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.
Competency means skills that enable the effective application of specific legal knowledge in solving court cases.
Dignity implies moral qualities that a judge should possess and conduct by those qualities.
The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance, and exemplary behavior, and behavior by these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.
Indicators for the assessment of expertise, competence, and worthiness are prescribed by the High Council of the Judiciary, by the law.
Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time.
The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the High Council of the Judiciary.
Success in the exam is expressed in grades from 1 to 5.
A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take an exam organized by the High Council of the Judiciary, but the final grade at the initial training is taken as a measure of expertise and competence. at the Judicial Academy.
The High Council of the Judiciary prescribes the program and method of taking the exam, which evaluates the expertise and competence of candidates for the position of judge.

Q090 (General Comment): According to the provisions of Article 48 of the Law on Judges, a citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional, capable and worthy of performing the function of a judge can be elected as a judge.
According to Art 45 od Law on civil servants a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulations on internal organization and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to a grave breach of obligation from the employment relationship and if he or she was not convicted by prison sentence of at least six months.

Q090 (2024): The Law on the Judges ("Official Gazette of RS", No. 10/2023) in Art 48 prescribes that a citizen of the Republic of Serbia who meets the general requirements for work in state authority, who has graduated from law school, passed the bar exam, who is professional and worthy of exercising the judicial function can be elected as a judge. According to Art 45 of the Law on civil servants a person who is legally an adult has the nationality of the Republic of Serbia, has prescribed professional qualifications, and fulfills other requirements prescribed by law, other legislation, or Regulation on internal organization and systematization of job positions may be employed as a civil servant if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by a prison sentence of at least six months.
Q090 (2023): The Law on the Judges ("Official Gazette of RS", No. 10/2023) in Art 48 prescribes that a citizen of the Republic of Serbia who meets the general requirements for work in state authority, who has graduated from law school, passed the bar exam, who is professional and worthy of exercising the judicial function can be elected as a judge.
According to Art 45 of the Law on civil servants a person who is legally an adult has the nationality of the Republic of Serbia, has prescribed professional qualifications, and fulfills other requirements prescribed by law, other legislation, or Regulation on internal organization and systematization of job positions may be employed as a civil servant if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by a prison sentence of at least six months.

Q091 (General Comment): According to the new Law on Judges (adopted after Constitutional changes) High Judicial Council is the only institution in charge for appoing and dismissing a judge.
Q092 (General Comment): Yes. The public competition for the election of a judge is published by the High Council of the Judiciary.
The public competition for the election of a judge is announced no later than six months before the termination of the judicial function due to the completion of the working life, that is, no later than 15 days after the termination of the judicial function if it was terminated for another reason prescribed by law.
The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia and on the website of the High Council of the Judiciary.
Q092 (2024): The High Judicial Council shall announce a public competition for the election of judges. The public competition is published in the "Official Gazette of the Republic of Serbia", other media with national coverage in the Republic of Serbia, and at the website of the High Judicial Council.

Q092 (2023): The High Judicial Council shall announce a public competition for the election of judges.
The public competition is published in the “Official Gazette of the Republic of Serbia”, other
media with national coverage in the Republic of Serbia, and at the website of the High Judicial
Council.

Q093 (General Comment): Yes, all the criteria are publicly available in an announcement for a judge position published by the HJC.
Q093 (2024): The High Judicial Council shall announce a public competition for the election of judges.
The public competition is published in the “Official Gazette of the Republic of Serbia”, other
media with national coverage in the Republic of Serbia – the daily „Politika“ and on the Council’s website and are therefore made available to all interested candidates.

Q094 (General Comment): The list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).
Q094 (2024): The ranking list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on the procedure for the election of a judge and the president of the court (“Official Gazette of RS", No.34/2024).
Q094 (2023): The ranking list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23).
Q095 (General Comment): Yes.
Q095 (2024): The High Judicial Council adopts a decision on the election to the judicial function, which must be explained. The decision with the rationale is published in the “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council. Against the decision on the election to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.
Q095 (2023): The High Judicial Council adopts a decision on the election to the judicial function, which must be explained. The decision with the rationale is published in the “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.
Against the decision on the election to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

Q096 (General Comment): Against the decision on the election to the post of judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q096 (2024): Constitutional Court
The Constitutional Court is obliged to provide a decision on the appeal to the Constitutional Court within 30 days from the day of the expiration of the deadline for filing the appeal to the Constitutional Court.
The Constitutional Court may reject the appeal to the Constitutional Court as unbased and confirm the decision on the selection to the judicial function or approve the appeal to the Constitutional Court and cancel the decision on the selection to the judicial function.
Q096 (2023): Constitutional Court
Q096 (2022): Constitutional Court
Q096 (2021): According to Art 57 of Law on judges a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, if not elected to permanent office, or in case of dismissal. The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.
High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.
The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.
In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the delivery of the decision.
The Constitutional Court may reject the appeal, or uphold the appeal and set aside the decision on dismissal. The decision of the Constitutional Court is final.

Q097 (General Comment): THE LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)
1. Conditions for selection
General conditions for selection
Article 48
A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, capable and worthy of performing the function of a judge can be elected as a judge.
Work experience required
Article 49
After passing the bar exam, work experience in the legal profession is required:
1) two years for the judge of the misdemeanor court;
2) three years for a basic court judge;
3) six years for a judge of the higher court, the commercial court and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.
Other conditions for selection
Article 50
Other conditions for the selection of a judge are expertise, competence and worthiness.
Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.
Competency means skills that enable effective application of specific legal knowledge in solving court cases.
Dignity implies moral qualities that a judge should possess and conduct in accordance with those qualities.
The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.
Indicators for the assessment of expertise, competence and worthiness are prescribed by the High Council of the Judiciary, in accordance with the law.
Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time

Q097-1 (General Comment): Minutes of the interviews are taken
Audio or video recording of the interviews are taken
A standardised questionnaire is used for all candidate
Q098 (General Comment): High Judicial Council is the only institution in charge to select judges.

Q099 (General Comment): The High Judicial Council is the only institution in charge of the appointment of a judge after the Constitutional changes. Article 150 of Serbian Constitution

The High Council of the Judiciary is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.

The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competencies determined by the Constitution and the law.According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.

The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.

The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia, and on the High Judiciary Council website.

The High Judiciary Council decides on the election of a judge, which must be explained.

The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.

The right to appeal to the Constitutional Court against the decision on election to judicial office

Article 59

Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".

The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.

The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.

The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q099 (2024): Article 150 of Serbian Constitution
The High Council of the Judiciary is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.
The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competencies determined by the Constitution and the law.
According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.
The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.
The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia, and on the High Judiciary Council website.
The High Judiciary Council decides on the election of a judge, which must be explained.
The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.
The right to appeal to the Constitutional Court against the decision on election to judicial office
Article 59
Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia". The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q099 (2023): Article 150 of Serbian Constitution

The High Council of the Judiciary is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.

The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competencies determined by the Constitution and the law.

According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.

The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.

The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia, and on the High Judiciary Council website.

The High Judiciary Council decides on the election of a judge, which must be explained.

The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.

The right to appeal to the Constitutional Court against the decision on election to judicial office

Article 59

Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".

The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.

The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.

The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q100 (General Comment): The High Judicial Council is the only institution in charge of the appointment of a judge.
Article 150
The High Judiciary Council is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.
The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competences determined by the Constitution and the law.
According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.
The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.
The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia, and on the High Judiciary Council website.
The High Judiciary Council decides on the election of a judge, which must be explained.
The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.
The right to appeal to the Constitutional Court against the decision on election to judicial office
Article 59
Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q100 (2024): Article 150
The High Judiciary Council is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.
The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competences determined by the Constitution and the law.
According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.
The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.
The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia, and on the High Judiciary Council website.
The High Judiciary Council decides on the election of a judge, which must be explained.
The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.
The right to appeal to the Constitutional Court against the decision on election to judicial office
Article 59
Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia". The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position. The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q100 (2023): Article 150
The High Judiciary Council is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.
The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competences determined by the Constitution and the law.
According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.
The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.
The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia, and on the High Judiciary Council website.
The High Judiciary Council decides on the election of a judge, which must be explained.
The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.
The right to appeal to the Constitutional Court against the decision on election to judicial office
Article 59
Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q101 (General Comment): Article 59 Law on Judges Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".
Q102 (General Comment): Constitutional Court

Q102 (2024): Article 59 Law on Judges Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position. The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia"
Q102 (2023): Article 59 Law on Judges Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".
Q102 (2022): Constitutional Court
Q102 (2021): According to Art 57 of Law on judges a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, if not elected to permanent office, or in case of dismissal. The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.
High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.
The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.
In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the delivery of the decision.

Q103 (General Comment): Obtaining data and opinions

Article 55

The High Council of the Judiciary obtains data and opinions on the expertise, competence and worthiness of candidates.

Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.

For a candidate who has worked in court, data is obtained from the candidate's personal file, and the opinion of the session of all judges of the court where the candidate worked must be obtained.

For a candidate from the ranks of judges, in addition to the data and opinion from paragraph 3 of this article, the opinion of the session of all judges of the immediately higher court is obtained.

When making a decision on the selection of a judge, the High Council of the Judiciary takes into account the grade obtained in the process of evaluating the work of candidates from the ranks of judges.

During the selection of candidates from the ranks of judges, other activities of importance for the performance of the judicial function may also be taken into account.

For a candidate who works as a judge's assistant, a performance evaluation must be obtained.

For a candidate who has not worked as a judge before, the High Council of the Judiciary especially appreciates the type of work he performed after passing the bar exam.

Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on the election of the candidate.

Q103 (2024): Article 48. Law on Judges ("Official Gazette of RS", No. 10/2023) A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, capable and worthy of performing the function of a judge can be elected as a judge.
General requirements for working in the state body are prescribed in Article 45. Law on civil servants. An adult citizen of the Republic of Serbia who has the prescribed professional qualification and meets the other conditions determined by the law, other regulations, and the rulebook on the internal organization and systematization of workplaces in the state body can be employed as a civil servant, if his employment in the state body has not been terminated before due to breach of duty from the employment relationship and has not been sentenced to a prison sentence of at least six months.
Obtaining data and opinions
Article 55
The High Council of the Judiciary obtains data and opinions on the expertise, competence and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who has worked in court, data is obtained from the candidate's personal file, and the opinion of the session of all judges of the court where the candidate worked must be obtained.
For a candidate from the ranks of judges, in addition to the data and opinion from paragraph 3 of this article, the opinion of the session of all judges of the immediately higher court is obtained.
When making a decision on the selection of a judge, the High Council of the Judiciary takes into account the grade obtained in the process of evaluating the work of candidates from the ranks of judges.
During the selection of candidates from the ranks of judges, other activities of importance for the performance of the judicial function may also be taken into account.
For a candidate who works as a judge's assistant, a performance evaluation must be obtained.
For a candidate who has not worked as a judge before, the High Council of the Judiciary especially appreciates the type of work he performed after passing the bar exam.
Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on the election of the candidate.
Law on Judges stipulates conditions for selection to judicial function. Apart from conditions for a candidate to be a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and has relevant work experience, a judge has to be qualified, competent and worthy of a judicial function. Worthiness in this case means ethical characteristics that a judge should possess, and their conduct in accordance with such characteristics. A judge must possess the following moral characteristics: honesty, thoroughness, diligence, fairness, dignity, perseverance, and esteem, and conduct in compliance with these characteristics involves upholding of dignity of a judge and a court on and off duty; awareness of social responsibility; preserving of independence and impartiality; reliability and dignity on duty and off; as well as taking the responsibility for the internal organisation and a positive public image of the judiciary.
Upon selection for a judge, worthiness is assumed. For the purpose of assessing worthiness for performance of a judicial function, an opinion of a candidate’s work collective is

Q103 (2023): Article 48. Law on Judges ("Official Gazette of RS", No. 10/2023) A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, capable and worthy of performing the function of a judge can be elected as a judge.
General requirements for working in the state body are prescribed in Article 45. Law on civil servants. An adult citizen of the Republic of Serbia who has the prescribed professional qualification and meets the other conditions determined by the law, other regulations, and the rulebook on the internal organization and systematization of workplaces in the state body can be employed as a civil servant, if his employment in the state body has not been terminated before due to breach of duty from the employment relationship and has not been sentenced to a prison sentence of at least six months.
Obtaining data and opinions
Article 55
The High Council of the Judiciary obtains data and opinions on the expertise, competence and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who has worked in court, data is obtained from the candidate's personal file, and the opinion of the session of all judges of the court where the candidate worked must be obtained.
For a candidate from the ranks of judges, in addition to the data and opinion from paragraph 3 of this article, the opinion of the session of all judges of the immediately higher court is obtained.
When making a decision on the selection of a judge, the High Council of the Judiciary takes into account the grade obtained in the process of evaluating the work of candidates from the ranks of judges.
During the selection of candidates from the ranks of judges, other activities of importance for the performance of the judicial function may also be taken into account.
For a candidate who works as a judge's assistant, a performance evaluation must be obtained.
For a candidate who has not worked as a judge before, the High Council of the Judiciary especially appreciates the type of work he performed after passing the bar exam.
Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on the election of the candidate.

Q103 (2022): Opinions on candidates and judges are required and criminal records are checked.
Q103 (2021): Opinions on candidates and judges are required and criminal records are checked.
Q104 (General Comment): By the Law on Judges ("Official Gazette of RS", No. 10/2023), continuity of the judge position is guaranteed. A term
Article 13
The judicial office lasts continuously from the election as a judge until the completion of the working life.
Q104 (2024): The Law on the Judges ("Official Gazette of RS", No. 10/2023)
Article 13
The judicial office lasts continuously from the election as a judge until the completion of the working life. Completion of working life Article 66
A judge's function ends when he reaches the end of his working life, by force of law.
The working life of a judge ends when the judge reaches 65 years of age, except a judge of the Supreme Court who can perform the function of a judge until reaching 67 years of age.

Q104 (2023): The Law on the Judges ("Official Gazette of RS", No. 10/2023)
Article 13
The judicial office lasts continuously from the election as a judge until the completion of the working life. Completion of working life
Article 66
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The working life of a judge ends when the judge reaches 65 years of age, except a judge of the Supreme Court who can perform the function of a judge until reaching 67 years of age.

Q106 (General Comment): The High Judicial Council elects judges to be appointed to permanent office.
A first-time elected judge whose work during the first three-year term of office is
assessed with performs the judicial duty with exceptional success . Rating shall be elected to
permanent office as mandatory. A first-time elected judge whose work during the first three-year term of office is
assessed as not satisfactory; may not be appointed to permanent office. Every decision on the election must be reasoned and published in the ''Official Gazette
of the Republic of Serbia''.
Q107 (General Comment): Article 67
Against the legally binding decision of the High Council of the Judiciary on termination of office, the judge has the right to appeal to the Constitutional Court, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal or accept the appeal and cancel the decision on termination of office.
The decision of the Constitutional Court is final.

Q111 (General Comment): Article 80. THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023) The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time
Article 84
In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's office is specially checked for expertise and competence.
The expertise and competence of the candidate is checked in an exam organized by the High Council of the Prosecutor's Office.
Success in the exam is expressed in grades from 1 to 5.
A candidate for public prosecutor who is elected as a public prosecutor in the basic public prosecutor's office, and who has completed initial training at the Judicial Academy, is not required to take an exam organized by the High Council of Prosecutions, but the final grade at the initial training at Judicial Academy.
The High Council of the Prosecutor's Office prescribes the program and method of taking the exam, which checks the expertise and competence of the candidates.
Prohibition of discrimination
Article 85
During the selection and nomination of candidates for the position of public prosecutor, discrimination on any basis is prohibited.
When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account.

Q111 (2024): Article 80. THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023) The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
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Q112 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023) Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Law on Public Prosecutors Article 82 A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Law on Public Prosecutors Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence, and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
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Success in the exam is expressed in grades from 1 to 5.
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The expertise and competence of the candidate is checked in an exam organized by the High Council of the Prosecutor's Office.

Q112 (2021): According to Art 45 of Law on civil servants a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulation on internal organisation and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by prison sentence of at least six months.

Q113 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.
Q114 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Article 86
The public competition for the election of the chief public prosecutor and the public prosecutor is published by the High Prosecutorial Council. The public competition for the election of the chief public prosecutor is published no later than six months before the end of the chief public prosecutor's office, i.e. no later than 15 days from the date of the decision on the termination of the office of the chief public prosecutor due to the termination of the public prosecutor's function, due to the election for the holder of the public prosecutor's function in another public prosecutor's office, termination of office at personal request, termination of office due to the abolition of the public prosecutor's office or due to dismissal from the office of the chief public prosecutor.
The public competition for the election of a public prosecutor is published no later than six months before the termination of the public prosecutor's office due to the completion of his working life, i.e. no later than 15 days after the termination of the public prosecutor's office if the public prosecutor's office was terminated for another reason prescribed by law.
The public competition for the election of the chief public prosecutor and the public prosecutor is published in the "Official Gazette of the Republic of Serbia", a means of public information that covers the territory of the Republic of Serbia and the website of the Supreme Council of Prosecutors.

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Q116 (General Comment): Yes
Q117 (General Comment): Yes
Q117 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and public prosecutor to the position of public prosecutor
Article 93
Against the decision on the election of the chief public prosecutor and the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court may reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on the election of the chief public prosecutor and the public prosecutor or accept the appeal and annul the decision on the election of the chief public prosecutor and the public prosecutor. The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q117 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
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The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q118 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
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Q118 (2024): Constitutional Court
Q118 (2023): Constitutional Court
Q118 (2022): Constitutional Court

Q119 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
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Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.

Q119 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
Obtaining data and opinions Article 88
The High Prosecutorial Council obtains data and opinions on the expertise, competence, and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's file, and the opinion of the collegium of the public prosecutor's office where the candidate worked must be obtained.
For candidates from the ranks of chief public prosecutors and public prosecutors, the grade obtained in the work evaluation procedure is taken into account.
During the selection of candidates from the ranks of the chief public prosecutor and the public prosecutor, other activities of importance for the performance of the public prosecutor's office may be taken into account.
For a candidate who works as a public prosecutor's assistant, a performance evaluation must be obtained.
For a candidate who has not previously worked as a public prosecutor, the High Prosecutorial Council will especially value the type of work he/she performed after passing the bar exam.
Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on his election.
Q119 (2023): THE LAW
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Q120 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
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The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.
Q120 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
IV SELECTION
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Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Q120 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Q120 (2021): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.
3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses: - procedure of proposing candidates for the first election of deputy public prosecutors,
- election procedure of deputy public prosecutors,procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors,
- election procedure for the permanent position of deputy public prosecutors elected for the first time.
The election procedure is composed of:
- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,
- inspection of the completeness of the application,
- determination of qualification, competence and worthiness,
- interviewing the candidates,
- drafting the rank list,
- objection to the rank list,
- the Council deciding upon the objection to the rank list,
- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,
- form and content of the decision on election of deputy public prosecutors,
- form and content of the decision on proposal of the candidates for election of the Republic Public Prosecutor and public prosecutors,
- special rules on election to the permanent position of deputy public prosecutors elected for the first time,
- form and content of the decision on election to the permanent position of deputy public prosecutors elected for the first time, - submitting the decision on the election.

Q121 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.
Q121 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office. The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Q121 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Q121 (2021): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

Q121-1 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.C.
Q122 (General Comment): Yes.
Q123 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and public prosecutor to the position of public prosecutor
Article 93
Against the decision on the election of the chief public prosecutor and the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court may reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on the election of the chief public prosecutor and the public prosecutor or accept the appeal and annul the decision on the election of the chief public prosecutor and the public prosecutor.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Q123 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and the public prosecutor to the position of public prosecutor
Article 93.
Against the decision on the election of the chief public prosecutor and the public prosecutor to the position of the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.

Q123 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and the public prosecutor to the position of public prosecutor
Article 93.
Against the decision on the election of the chief public prosecutor and the public prosecutor to the position of the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.

Q123 (2022): Non-selected candidates may file Constitutional Appeal to the Constitutional Court.
The decision of the Constitutional Court is final.

Q124 (General Comment): Article 83 THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Other conditions for selection to the position of public prosecutor are expertise, competence, and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies moral qualities that the holder of the office of public prosecutor should possess and represent by those qualities. Moral qualities are: respect, correctness, correctness, durability and exemplary behavior, and behavior by these qualities implies preserving the appearance of the public prosecutor in and outside the service, awareness of independence, belonging to the state, and the responsibility of the staff in and outside the service and taking responsibility for internal organization and a positive image of the public prosecutor's office in the public.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
General conditions for selection
Article 81.
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Law on civil servants
Article 45.
An adult citizen of the Republic of Serbia who has the prescribed professional qualification and meets the other conditions determined by the law, other regulations, and the rulebook on the internal organization and systematization of workplaces in the state body can be employed as a civil servant, if his employment in the state body has not been terminated before due to breach of duty from the employment relationship and has not been sentenced to a prison sentence of at least six months.
Obtaining data and opinions
Article 88
The High Council of the Prosecutor's Office obtains data and opinions on the expertise, competence and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's personal file, and the opinion of the collegium of the public prosecutor's office

Q124 (2024): Article 83 THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
Other conditions for selection to the position of public prosecutor are expertise, competence, and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case. Dignity implies moral qualities that the holder of the office of public prosecutor should possess and represent by those qualities. Moral qualities are: respect, correctness, correctness, durability and exemplary behavior, and behavior by these qualities implies preserving the appearance of the public prosecutor in and outside the service, awareness of independence, belonging to the state, and the responsibility of the staff in and outside the service and taking responsibility for internal organization and a positive image of the public prosecutor's office in the public.
THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
General conditions for selection Article 81.
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
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Article 88
The High Council of the Prosecutor's Office obtains data and opinions on the expertise, competence and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's personal file, and the opinion of the collegium of the public prosecutor's office where the candidate worked must be obtained.
For candidates from the ranks of chief public prosecutors and public prosecutors, the grade obtained in the work evaluation procedure is taken into account.
During the selection of candidates from the ranks of the chief public prosecutor and the public prosecutor, other activities of importance for the performance of the public prosecutor's office may be taken into account.
For a candidate who works as a public prosecutor's assistant, a performance evaluation must be obtained.
For a candidate who has not previously worked as a public prosecutor, the High Council of Prosecutions will especially value the type of work he/she performed after passing the bar exam.

Q124 (2023): Article 83 THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Other conditions for selection to the position of public prosecutor are expertise, competence, and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies moral qualities that the holder of the office of public prosecutor should possess and represent by those qualities. Moral qualities are: respect, correctness, correctness, durability and exemplary behavior, and behavior by these qualities implies preserving the appearance of the public prosecutor in and outside the service, awareness of independence, belonging to the state, and the responsibility of the staff in and outside the service and taking responsibility for internal organization and a positive image of the public prosecutor's office in the public.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
General conditions for selection
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A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
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Article 45.
An adult citizen of the Republic of Serbia who has the prescribed professional qualification and meets the other conditions determined by the law, other regulations, and the rulebook on the internal organization and systematization of workplaces in the state body can be employed as a civil servant, if his employment in the state body has not been terminated before due to breach of duty from the employment relationship and has not been sentenced to a prison sentence of at least six months.
Obtaining data and opinions
Article 88
The High Council of the Prosecutor's Office obtains data and opinions on the expertise, competence and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's personal file, and the opinion of the collegium of the public prosecutor's office

Q125 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Article 101.
The working life of a public prosecutor ends when the public prosecutor reaches the age of 65, except the public prosecutor of the Supreme Public Prosecutor's Office, who can perform the function of a public prosecutor until the age of 67.
Duration of the public prosecutor's office
Article 61
The public prosecutor function of the public prosecutor is permanent and ends for the reasons prescribed by the Constitution and this law.
Q125 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023) Article 101.
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Duration of the public prosecutor's office
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Q125 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Article 101.
The working life of a public prosecutor ends when the public prosecutor reaches the age of 65, except the public prosecutor of the Supreme Public Prosecutor's Office, who can perform the function of a public prosecutor until the age of 67.
Duration of the public prosecutor's office
Article 61
The public prosecutor function of the public prosecutor is permanent and ends for the reasons prescribed by the Constitution and this law.
Q126 (General Comment): No.

Q128 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Appeal to the Constitutional Court, which excludes the right to file a constitutional appeal
Article 108.
Against the decision of the National Assembly, i.e. the High Prosecutorial Council on the termination of the public prosecutor's office, the Supreme Public Prosecutor, the Chief Public Prosecutor, or the Public Prosecutor may appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal to the Constitutional Court or accept the appeal to the Constitutional Court and annul the decision on the termination of the public prosecutor's office.
The decision of the Constitutional Court is final and is published in the "Official Gazette of the Republic of Serbia".
Q128 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
Appeal to the Constitutional Court, which excludes the right to file a constitutional appeal Article 108.
Against the decision of the National Assembly, i.e. the High Prosecutorial Council on the termination of the public prosecutor's office, the Supreme Public Prosecutor, the Chief Public Prosecutor, or the Public Prosecutor may appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal to the Constitutional Court or accept the appeal to the Constitutional Court and annul the decision on the termination of the public prosecutor's office. The decision of the Constitutional Court is final and is published in the "Official Gazette of the Republic of Serbia".
Q128 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Appeal to the Constitutional Court, which excludes the right to file a constitutional appeal
Article 108.
Against the decision of the National Assembly, i.e. the High Prosecutorial Council on the termination of the public prosecutor's office, the Supreme Public Prosecutor, the Chief Public Prosecutor, or the Public Prosecutor may appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal to the Constitutional Court or accept the appeal to the Constitutional Court and annul the decision on the termination of the public prosecutor's office.
The decision of the Constitutional Court is final and is published in the "Official Gazette of the Republic of Serbia".
Q128 (2022): The Appeal to the Constitutional Court may be filed.
Q132 (General Comment): High Judicial Concil.

Q133 (General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

Q133 (2024): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents. Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
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Q133 (2023): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

Q133 (2021): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.
Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Work of all judges and presidents of the courts is subject to regular evaluation. Performance evaluation involves all aspects of a judge's work and/or work of a president of the court, and represents the basis for the election, mandatory training of judges, and dismissal.
Evaluation is conducted based on publicised, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated. The criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are pursuant to the Law on Judges, Law on High Judicial Council and Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016), which is being applied as of 1st July 2015.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC’s Rules of Procedure) and published in the Official Gazette.

Q134 (General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court, shall obtain the opinion of the Session of all judges of the court from which the judge has come, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate participation in the training for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentations in national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the other or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

Q134 (2024): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

Q134 (2023): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

Q134 (2021): The criteria and standard in the proces of election of judges to another or higher court are prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents (Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behavior in accordance with those qualities. Worthiness of candidates shall be assumed.
Q135 (General Comment): Yes.
Q136 (General Comment): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

Q136 (2024): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.
Q136 (2023): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

Q136 (2022): The judge can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.
Q136 (2021): Administrative court – An administrative dispute shall be initiated by a lawsuit.
Q137 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICEIV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.
Q137 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE("Official Gazette of RS", No. 10/2023)
IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office. The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Q137 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE("Official Gazette of RS", No. 10/2023)
IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
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Q138 (General Comment): THE LAW
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Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
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4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
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Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Article 84

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Q140 (General Comment): Yes.
Q141 (General Comment): Constitutional court.
Q141 (2022): The deputy public prosecutor can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.

Q141 (2021): Article 54 of RULEBOOK ON CRITERIA FOR EVALUATION OF THE WORK OF PUBLIC PROSECUTORS AND DEPUTY PUBLIC PROSECUTORS
The Public Prosecutor or the Deputy Public Prosecutor may personally or through a proxy file an objection against the decision on the evaluation of work to the State Council of Prosecutors within 15 days from the day of delivery of the decision.
Article 59:
The decision of the State Prosecutors' Council on the complaint is final and an dispute to the Administrative Court may be initiated against it.

Kosovo*
Q089 (General Comment): NA
Q090 (General Comment): By clean criminal record is meant the subject have not been convicted of a criminal offence nor is under criminal investigation(has an indictment)

Q090 (2024): To have a high professional reputation and personal integrity;
Additionally, as specific criteria, a medical certificate is required for the assessment of psycho-physical abilities.

Q090 (2021): Pursuant to Article 20 of Law no. 06 / L-055 of the Kosovo Judicial Council, on the recruitment of judges.
Q091 (2022): KJC through the commission for recruitment of judges, as per the law on the Kosovo Judicial Council is responsible for organizing recruitment of judges and selection of candidates.
Q095 (General Comment): Unsatisfied candidates that were not selected, have the right to appeal. In the event that the Review Committee of the KJC, after evaluating the complaint, finds that there have been violations of the rules regarding the organization of the qualifying test, the written test, the essay and the oral interview, as defined in this regulation, it may decide to repeat the part opposed to the exam to which the candidates from the list who have met the conditions to be submitted to the relevant part of the exam will be submitted. If the Review Committee of the KJC decides to repeat the relevant part of the exam, the exam will be organized within five (5) days from the decision of the Review Committee. In the event that the Review Committee finds that technical errors have been made in the calculation of the points of the qualifying test, the written test, the essay and the oral interview, while in the case of reviewing the complaint it is verified that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council compiles the final list of the exam, as determined by this regulation, which is published on the Council's official website.

Q096 (General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

Q097 (General Comment): According to the Law on Kosovo Judicial Council, article 20 (recruitment of judges), there are seven main requirements when it comes to the recruiting criteria: 1. professional knowledge, work experience and performance, including knowledge
and respect for human rights;
2. capacity for legal justifications as evidenced by professional activities in the field
of justice, including in the capacity of a judge, prosecutor or Lawyer, academic work or
other professional activity;
3. the professional ability based on the result of the previous career, including
participation in organized training forms where performance is assessed;
4. ability and capacity to analyze legal problems;
5. the ability to perform tasks impartially, honestly, with care and responsibility;
6. communication skills; and
7. personal integrity.
The procedure for assessing the eligibility of a candidate to become part of the judiciary is carried out through verification of the data submitted by the candidate, data from relevant public records for evaluation, including the standard verification of records for the criminal past.
Q097 (2024): See general comment
Q099 (General Comment): At the end of these procedures, in accordance with the proposal of the KJC, the President of Kosovo decrees the new judges
Q099 (2024): At the end of these procedures, in accordance with the proposal of the KJC, the President of Kosovo decrees the new judges.
Q099 (2021): Other body: President
Q100 (General Comment): According to the Article 22 of Law on KJC, The President appoints judges in the judicial system with a three (3) year initial mandate
based on the Council's proposals. Within sixty (60) days after the receipt of the proposal, the President shall issue a decree on the appointment as judge of the candidate proposed by the Council. If within this deadline the President does not appoint the judge, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the judge upon the proposal of the Council. As per the article 84, the President of the Republic of Kosovo appoints and dismisses judges of the Republic of Kosovo upon the proposal of the Kosovo Judicial Council. Therefore, candidates that are proposed by the Kosovo Judicial Council, will be verified again by the office of the President, hence it is upon President's discretion to appoint a judge or to return back the proposal regarding that judge to the KJC.

Q102 (General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.
Q103 (General Comment): Based on Article 27 point 1.8 of Law no. 06/L-055 Law on the Judicial Council, personal integrity is required, which is in accordance with the Constitution and the criteria defined by the Law.
Q103 (2021): Pursuant to Article 27 point 1.8 of Law no. 06 / L-055 of the Law on the Judicial Council, personal integrity is required. That are in accordance with the Constitution and the criteria set by law.

Q104 (2023): Based on Article 25 of Law No. 06/L-055 Dismissal of Judges, Judges may be dismissed from office due to conviction for a criminal offense or serious non-compliance with duties.
Q104 (2022): Based on Article 25 of Law No. 06/L-055 Dismissal of Judges, Judges may be dismissed from office due to conviction for a criminal offense or serious non-compliance with duties.
Q104 (2021): Pursuant to Article 25 of Law No. 06 / L-055 Dismissal of Judges, Judges may be removed from office due to a conviction for a criminal offense or serious misconduct.

Q106 (2024): Initial mandate of judges is 3 years.
Q107 (2024): There is a possibility to submit a claim to the competent court.
Q108 (2024): After successfully completing their initial mandate and being reappointed, a judge serves with an indefinite mandate.
Q109 (2024): After successfully completing their initial mandate and being reappointed, a judge serves with an indefinite mandate.
Q111 (General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 40 points in the interview. After the interview, preliminary results with a combination of results from written exam and interview are published in the KPC web page. A candidate is considered to have successfully passed the recruitment process if he/she has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by KPC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

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Q112 (General Comment): The clean criminal record is defined as follows: "have not been convicted of a criminal offence;"
Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity
As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two independent institutions of the Rule of Law Sector. Therefore, they have both internal specific regulations which define the criteria for becoming a judge or prosecutors. So, KPC and KJC are fully competent to define the criteria independently.

Q112 (2024): Regarding clean criminal record, the criteria specified by law is: •Not have been convicted of a criminal offense, except for criminal offenses committed through negligence;
•There is not any indictment filed against him, except those filed for criminal offences committed by negligence.
Regarding "Other":
•Be a citizen of the Republic of Kosovo;
•Have high professional reputation and personal integrity;
Article 24 of Law on State Prosecutor: https://gzk.rks-gov.net/ActDetail.aspx?ActID=74943
Q112 (2023): Regarding clean criminal record, the criteria specified by the law is "not have been convicted of a criminal offence," Regarding "Other":
- be a citizen of the Republic of Kosovo,
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Regarding “Other”:
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Q113 (General Comment): The competent authority is Kosovo Prosecutorial Council
Q113 (2024): The recruitment committee established by the Council
Q113 (2023): The recruitment committee established by the Council.
Q113 (2022): The recruitment committee established by the Council.
Q115 (General Comment): The criteria are also specified in the Law on State Prosecutor which is published online
Q115 (2024): The criteria are announced as part of the public call and they are also specified in the Law on State Prosecutor which is published online, Article 24. https://gzk.rks-gov.net/ActDetail.aspx?ActID=74943
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Q116 (General Comment): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)
Preliminary selection
1. The Recruitment Commission in support of support staff reviews all applications received. 2. In case of rejection of the application, the candidate is notified individually of the reasons for rejection, to which he has the right to appeal, within three (3) days from the date of notification. 3. The complaint of the candidate is reviewed by the Commission for Review, within five (5) days from the day of expiration of the deadline for appeal. 4. After reviewing the complaint by the Review Committee, the Council, through its official website and e-mail address, notifies the candidate who meets the conditions to undergo the first part of the exam. 5. The announcement contains the list with the name and surname of the candidate, as well as information about the time, date, place, and other data about the organization of the exam.

Q116 (2023): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)
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Q118 (General Comment): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment
The right on appeal
1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline. The appeal bench is the Kosovo Prosecutorial Council(KPC). All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.
Q118 (2024): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)
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Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and
reappointment of prosecutors Right to appeal
The candidate, as a dissatisfied party, has the right to appeal, to oppose the process, regarding the violation of the rules, about the organization of the exam and the results of the qualifying test, written test, and oral interview, within three (3) days, from the day of the announcement of the results, on the basis of the notification made according to this Regulation. The complaint of the candidate according to paragraph 1 of this article, is reviewed by the Commission for Review of the Council, within five (5) days, from the day of the end of the complaint. In the event that the Review Committee, after evaluating the complaint, finds that violations of the rules regarding the organization of the qualifying test, written test, and oral interview, as defined by this Regulation, may take a decision to repeat the contested part of the exam. If the Review Committee decides to repeat the relevant part of the exam, the exam is organized within five (5) days, from the decision of the Review Committee. In this case, the Recruitment Commission will draft the new test, the results of which will be taken into consideration when compiling the final exam list. In case the Review Commission finds that technical errors have been made, in the case of calculating the points of the qualifying test, written test, essay and oral interview, while in the case of reviewing the complaint it is confirmed that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council shall compile the final list of the exam, as determined by this Regulation, which shall be published on the official website of the Council. A candidate who files a complaint has the right to access his test before filing a complaint.

Q118 (2023): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)
Preliminary selection
1. The Recruitment Commission in support of support staff reviews all applications received.
2. In case of rejection of the application, the candidate is notified individually of the reasons for rejection, to which he has the right to appeal, within three (3) days from the date of notification.
3. The complaint of the candidate is reviewed by the Commission for Review, within five (5) days from the day of expiration of the deadline for appeal.
4. After reviewing the complaint by the Review Committee, the Council, through its official website and e-mail address, notifies the candidate who meets the conditions to undergo the first part of the exam.
5. The announcement contains the list with the name and surname of the candidate, as well as information about the time, date, place, and other data about the organization of the exam.
Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and
reappointment of prosecutors
Right to appeal
The candidate, as a dissatisfied party, has the right to appeal, to oppose the process, regarding the violation of the rules, about the organization of the exam and the results of the qualifying test, written test, and oral interview, within three (3) days, from the day of the announcement of the results, on the basis of the notification made according to this Regulation.
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If the Review Committee decides to repeat the relevant part of the exam, the exam is organized within five (5) days, from
the decision of the Review Committee.
In this case, the Recruitment Commission will draft the new test, the results of which will be taken into consideration when compiling the final exam list.
In case the Review Commission finds that technical errors have been made, in the case of calculating the points of the qualifying test, written test, essay and oral interview, while in the case of reviewing the complaint it is confirmed that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam.
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Q118 (2022): Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors Right to appeal

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Q118 (2021): Article 25 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline.
3. In case that Review Committee following the review of the appeal finds that there were violation of rules regarding the organizing of the qualification test, written test and interview, as set by this Regulation, the named Committee may decide to repeat the respective part of the Exam for the respective candidate.
4. If the Review Committee decides to repeat the respective part of the exam, then the exam shall be organized within five (5) days from the decision brought by the Review Committee. In this case, the remained group of the exam from the process of its drafting shall be used, whereas the results of the remained part of the exam shall be taken in consideration when drafting the final exam list.
5. If the Review Committee finds that there made technical errors when calculating scores of the qualification test, written test and interview, and when reviewing the appeal is proved that the candidate is listed in the group of the candidates that have passed respective part of the Exam, then that candidate shall be included in the list of the candidates that have passed that part of the exam.
6. Following the review of the appals for qualification test, written test and interview, KPC shall publish the list, as set by Articles 15.2, 20.2, 24.4 and 24.5 of this Regulation, and the respective shall be considered the Final Exam List.

Q119 (General Comment): NA

Q119 (2024): Article 28 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors Preliminary results of the exam 1.The final result for the success of a candidate is calculated on the basis of the accumulation of points achieved in the qualifying test, written test, and oral interview. 2. After the completion of the evaluation process, the points are collected, the results are verified and the final list is prepared in order to announce the exam results. 3. The final results of the candidates who have successfully passed the exam are published on the official website of the Council. The notice for this will contain the name, surname and number of points achieved by the candidate, in the qualifying test, written test, essay, oral interview and total points. 4. A candidate is considered to have not successfully passed the prosecutor's exam, if he fails to obtain at least (55) points, from the final score of one hundred (100) points, as many as are possible, in the entire recruitment process. 5. The Recruitment Commission compiles the list of candidates, according to the points obtained in the exam. Candidates are ranked according to the highest score obtained in the qualifying test, written test, essay and oral interview. The ranking of successful candidates in the list ends with the number of candidates determined by announcement (competition) by the Council. The Chairman of the Recruitment Commission sends the list of successful candidates to the Council, after reviewing any complaints by the Review Commission.

Q119 (2023): NA

Q119 (2021): Article 24 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and reappointment

Final Exam Results

1. Final results regarding the success of the candidate are calculated based on the scores obtained in the written test, interview and evaluation of personal integrity and professional skills.
2. The exam is considered to be passed by those candidates who have obtained the highest results, which namely also corresponds to the number of the candidates set in the vacancy announcement by KPC. The criterion for the respective is that they have scored at least sixty (60) points in the written test, interview and evaluation of the personal integrity and professional skills.
3. When evaluating exam results, Recruitment Committee may evaluate the candidate by grading with minimum one (1) point up to the maximum scores set by this Regulation.
4. Final Exam List is considered to be the published list following the final Decision brought by the Review Committee regarding the appeals of the candidates, as set by Article 25 of this Regulation.
5. Final candidates` results that have successfully passed the exam shall be published on the KPC and SP website. Announcement shall contain name, last name and scores obtained by the candidate in the written test and interview.

Q120 (General Comment): NA

Q120 (2024): The recruitment committee established by the Council.

Q121 (General Comment): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the reports of these 2 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who decrees the new prosecutors

Q121 (2024): Kosovo Prosecutorial Council establishes the recruitment committee which is responsible for all the procedures of the recruitment process of prosecutors. KPC establishes the review committee which is responsible for the review of appeals of candidates. Based on the reports of these 2 committees, KPC decides on the final list of the most successful candidates which list is then sent to the Office of the President of the Republic of Kosovo for decree, where the final official appointment for the position of state prosecutor is done.
Article 34 of the Regulation Selection of the most successful candidate
1. The appointment and systematization of the candidate for prosecutors in the basic prosecution offices is done by the Council, upon the proposal of the Recruitment Commission.
2. Only 1/5 of the candidates, who are ranked as the best, in the final list of the exam, have the right to choose the prosecution office where they will be appointed.
3. Regardless the right of the candidate determined according to paragraph 2 of this article, the right of the Council to appoint a prosecutor in a prosecution office, taking into account the needs of the prosecution.
4. The Chairman of the Recruitment Commission sends to the Council, the final list of candidates including the information from paragraph 2 of this article.

Q121 (2023): Kosovo Prosecutorial Council establishes the recruitment committee which is responsible for all the procedures of the recruitment process of prosecutors. KPC establishes the review committee which is responsible for the review of appeals of candidates. Based on the reports of these 2 committees, KPC decides on the final list of the most successful candidates which list is then sent to the Office of the President of the Republic of Kosovo for decree, where the final official appointment for the position of state prosecutor is done.
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Q121-1 (General Comment): Article 23 of Law on KPC
Appointment and re-appointment of prosecutors
1.The President appoints and reappoints prosecutors based on the Council's proposals.
2.Within 60 days after the receipt of the proposal, the President shall issue a decree on the appointment as prosecutor of the candidate proposed by the Council. If within this deadline the President does not appoint the prosecutor, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the prosecutor upon the proposal of the Council.
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Article 35 of the Regulation
Proposal for decree of the prosecutor
1. The Council, by a simple majority of votes, decides on the proposal of a candidate for appointment as prosecutors to the President of the Republic of Kosovo.
2. In the event that the Council does not propose a candidate for appointment as a prosecutor to the President of the Republic of Kosovo, issue a reasoned decision in writing regarding the reasons for his rejection.
Q121-1 (2023): Article 23 of Law on KPC
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1.The President appoints and reappoints prosecutors based on the Council's proposals.
2.Within 60 days after the receipt of the proposal, the President shall issue a decree on the appointment as prosecutor of the candidate proposed by the Council. If within this deadline the President does not appoint the prosecutor, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the prosecutor upon the proposal of the Council.
Article 35 of the Regulation
Proposal for decree of the prosecutor
1. The Council, by a simple majority of votes, decides on the proposal of a candidate for appointment as prosecutors to the President of the Republic of Kosovo.
2. In the event that the Council does not propose a candidate for appointment as a prosecutor to the President of the Republic of Kosovo, issue a reasoned decision in writing regarding the reasons for his rejection.
Q122 (General Comment): Candidates can appeal during all phases of the selection and recruitment process, however they can not appeal the decree of the President.
Q123 (General Comment): Non selected candidates have the right to appeal to the Basic Court.

Q124 (General Comment): The Kosovo Prosecutorial Council, based on the Constitution and applicable law, develops and implements procedures for the recruitment and nomination of state prosecutors.
All candidates for prosecutors who have passed the relevant tests are part of the process of assessment of personal integrity and professional skills that includes verification of information provided by candidates and any other relevant information such as: work experience and performance, professional and academic documents, information regarding disciplinary measures, extrajudicial behaviour and criminal past.
This process is conducted in accordance with legal provisions that protect human rights and freedoms as well as in order to provide information relevant to the disclosure of personality, professionalism and personal experience of candidates.
Candidates have the right to be informed and to view all documentation collected prior to the interview.
Q124 (2024): Verification of integrity of prosecutors is done based on article 20 paragraph 5 of Law on Kosovo Prosecutorial Council and article 25 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors
The procedure for assessment of the compatibility of the candidate in order to become part of the prosecution office shall be done through the verification of the data submitted by the candidate, data from the relevant public registries for assessment, including the standard verification of registries for the criminal past.
1. All candidates who have met the conditions to undergo the interview are subject to the procedure of personal and professional integrity verification.
2. Under the authority of the Council and the supervision of the Recruitment Committee, the support staff is responsible for the collection and collection of the necessary data, which will serve the committee to verify and evaluate the personal and professional integrity of the candidate, respecting the international standards and applicable laws in force.
3. Candidates are notified that they have the right to see the documents collected in their file, no earlier than five (5) days and no later than ten (10) days, before the oral interview, except when such a thing is not allowed by the laws in force.
4. The procedure for assessing personal integrity and professional skills is included as part of the oral interview, in which candidates can be asked about issues related to their personal and professional integrity, being given the opportunity to confirm, complete or contradict evaluation based on the verification of documents and information requested and collected.

Q124 (2023): Verification of integrity of prosecutors is done based on article 20 paragraph 5 of Law on Kosovo Prosecutorial Council and article 25 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors
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professional integrity, being given the opportunity to confirm, complete or contradict evaluation based on the verification of documents and information requested and collected.

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All candidates for prosecutors who have passed the relevant tests are part of the process of assessment of personal integrity and professional skills that includes verification of information provided by candidates and any other relevant information such as: work experience and performance, professional and academic documents, information regarding disciplinary measures, extrajudicial behaviour and criminal past.
This process is conducted in accordance with legal provisions that protect human rights and freedoms as well as in order to provide information relevant to the disclosure of personality, professionalism and personal experience of candidates.
Candidates have the right to be informed and to view all documentation collected prior to the interview.
Article 25 of Regulation no.02/2022 on the recruitment, examination, appointment and
reappointment of prosecutors
“The process of verifying the personal and professional integrity of the candidate”

Q125 (2024): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
Also according to Article 27 of Law on state prosecutor, the mandate of the prosecutor ends in the following ways:
1.1. with resignation;
1.2. Dismissal;
1.3. death;
1.4. upon reaching retirement age;
1.5. not reappointed for a permanent term after the probation period or initial mandate

Q125 (2023): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
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1.1. with resignation;
1.2. Dismissal;
1.3. death;
1.4. upon reaching retirement age;
1.5. not reappointed for a permanent term after the probation period or initial mandate.
Q125 (2022): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
The prosecutor's mandate ends upon:
1.1. resignation;
1.2. dismissal;
1.3. death;
1.4. retirement;
1.5. the loss of working ability due to proved medical reasons, and
1.6. if not re-appointment with a permanent mandate

Q125 (2021): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
The prosecutor's mandate ends upon:
1.1. resignation;
1.2. dismissal;
1.3. death;
1.4. retirement;
1.5. the loss of working ability due to proved medical reasons, and
1.6. if not re-appointment with a permanent mandate
Q127 (General Comment): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment
Reappointment of State Prosecutors
1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
2.The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
3.KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.
4.Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
5.KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

Q127 (2024): Article 37 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

Reappointment of State Prosecutors

1. The Commission for Performance Evaluation submits to the KPK the recommendation for the evaluation of the performance of the prosecutors for the initial mandate, the reasoned recommendation for the reappointment or not of a prosecutor. 2. KPC decides on the reappointment or not of the prosecutor within forty five (45) days after receiving the proposal from the Commission for Performance Evaluation, in accordance with the criteria and procedures set by applicable law. 3. The Council sends the name of the prosecutor proposed for reappointment with a permanent mandate to the President of the Republic of Kosovo, fifteen (15) days at the latest, before the expiration of the initial mandate. 4. The KPC notifies the prosecutor about the reappointment process through a reasoned written decision 5. Before submitting the proposals for reappointment, the KPC requests the opinion of the relevant prosecution in which the candidate has been proposed for reappointment. 6. KPC submits the proposal for reappointment of the respective prosecutor to the President of the Republic.

Q127 (2023): Article 37 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

Reappointment of State Prosecutors

1. The Commission for Performance Evaluation submits to the KPK the recommendation for the evaluation of the performance of the prosecutors for the initial mandate, the reasoned recommendation for the reappointment or not of a prosecutor.

2. KPC decides on the reappointment or not of the prosecutor within forty five (45) days after receiving the proposal from the Commission for Performance Evaluation, in accordance with the criteria and procedures set by applicable law.

3. The Council sends the name of the prosecutor proposed for reappointment with a permanent mandate to the President of the Republic of Kosovo, fifteen (15) days at the latest, before the expiration of the initial mandate.

4. The KPC notifies the prosecutor about the reappointment process through a reasoned written decision

5. Before submitting the proposals for reappointment, the KPC requests the opinion of the relevant prosecution in which the candidate has been proposed for reappointment.

6. KPC submits the proposal for reappointment of the respective prosecutor to the President of the Republic.

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Q127 (2021): Article 36 of regulation 07/2015 on the process of recruitment
Reappointment of State Prosecutors
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2. The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
3. KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.
4. Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
5. KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

Q132 (General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level,job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are be informed personally in a reasoned writing notice and they are given an opportunity to submit a request for reconsideration of his/her application within a deadline of five days. This is followed by the collection of information and interview. After the interview, the panel drafts and signs the final ranking table of candidates and notifies all candidates in writing regarding their results. Unsatisfied candidates have the right to submit a request for reconsideration within five working days after receiving the notice.

Q133 (2024): Upon the announcement of the call by the KJC, an ad hoc panel is established by the Council, responsible for reviewing applications, conducting interviews, evaluating candidates, and recommending judges for promotion to the Council.
Q133 (2021): Kosovo Judicial Council, in accordance with Article 108 of the Constitution of the Republic of Kosovo, Law on the Kosovo Judicial Council No. 06 / L-55, Law on Courts No. 06 / L-054, Regulation (01/2014) on the procedure of promotion of judges (amended and supplemented), Article 5 of the Annex to the Regulation on Internal Organization of KJC conducts the promotion procedure.
Q134 (General Comment): These criteria are specified in the Law on courts
Q134 (2021): Quantitative criteria (performance) relates to the number of cases solved.
Q136 (General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court
(usually the head of Supreme & Appellate court).
Q136 (2024): The ad hoc commission, established by the Council, is responsible for reviewing candidates' appeals against the Panel's decisions.
Q137 (2024): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Q137 (2023): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Q137 (2022): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Q138 (General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.
Q138 (2024): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf
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Q138 (2022): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf
Q139 (General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:
4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least there (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the prosecutor in the Serious Crimes Department of the Basic Prosecution Office.
4.4. to serve as a prosecutor in the Chief State Prosecutor Office, the prosecutor should have at least seven (7) years of experience as a prosecutor, as well as based on performance assessment;
4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

Q139 (2024): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf
Q139 (2023): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf
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https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

Q140 (General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

Q141 (General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published on the official website of the KPC and State Prosecutor.

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by question No.

Question 89. How are judges recruited?
Question 90. What are the entry criteria (pre-conditions) into the process to become a judge?
Question 91. Which authority is competent during the entry selection procedure?
Question 92. Is there a public call for candidates to become a judge?
Question 93. Are the entry criteria to become a judge publicly available?
Question 94. Is there a list of pre-selected candidates which is public?
Question 95. Is there a possibility for non pre-selected candidates to appeal?
Question 96. If yes, what body is competent to decide on appeal?
Question 97. What are the criteria for the selection of judges?
Question 98. Which authority is competent to select judges?
Question 99. Which authority is competent for the final appointment of a judge?
Question 100. Which competences has this authority in the final appointment procedure (multiple replies possible):
Question 101. May non-selected candidates appeal against the decision of appointment?
Question 102. If yes, what body is competent to decide on appeal?
Question 103. How do you check the integrity of candidate judges?
Question 104. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?
Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?
Question 106. If yes, which authority is competent to decide if the probation period is successful?
Question 107. Is there a possibility to appeal against this decision?
Question 108. If the mandate of judges is not for an undetermined period (see question 104), what is the length of the mandate (in years)?
Question 109. Is it renewable?
Question 111. How are public prosecutors recruited?
Question 112. What are the entry criteria (pre-conditions) into the process to become a prosecutor?
Question 113. Which authority is competent during the entry selection procedure?
Question 114. Is there a public call for candidates to become a prosecutor?
Question 115. Are the entry criteria to become a prosecutor publicly available?
Question 116. Is there a list of pre-selected candidates which is public?
Question 117. Is there a possibility for non pre-selected candidates to appeal?

Question 118. If yes, what body is competent to decide on appeal?
Question 119. What are the criteria of selection of public prosecutor?
Question 120. Which authority is competent during the selection procedure of a public prosecutor?
Question 121. Which authority is competent for the final appointment of a prosecutor?
Question 121-1. Which competences has this authority in the final appointment procedure ? (multiple replies possible):
Question 122. May non-selected candidates appeal against the decision of appointment?
Question 123. If yes, what body is competent to decide on appeal?
Question 124. How do you check the integrity of candidate prosecutors?
Question 125. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?
Question 126. Is there a probation period for public prosecutors? If yes, how long is this period?
Question 127. If yes, which authority is competent to decide if the probation period is successful?
Question 128. Is there a possibility to appeal against this decision?
Question 129. If the mandate of public prosecutors is not for an undetermined period (see question 125), what is the length of the mandate (in years)?
Question 130. Is it renewable?
Question 132. Which authority is competent for the promotion of judges?
Question 133. What is the procedure for the promotion of judges? (multiple replies possible)
Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)
Question 135. Can a decision on the promotion of judges be appealed?
Question 136. If yes, what is the body competent to decide on appeal?
Question 137. Which authority is competent for the promotion of prosecutors?
Question 138. What is the procedure for the promotion of prosecutors? (multiple replies possible)
Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):
Question 140. Can a decision on the promotion of prosecutors be appealed?
Question 141. If yes, what is the body competent to decide on appeal?

Question 089

Albania

(General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.
Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.
The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants.
The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

(2024): According to Law 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, any person who meets the criteria of article 28 thereof, has the right to apply and be admitted to the initial training for magistrates at the SoM, through an open examination for all candidates who meet the criteria of preliminary assessment of candidates.

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Montenegro

(General Comment): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

(2024): see general comment

(2022): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection the Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notice for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

North Macedonia

(General Comment): All judges are elected by the Judicial Council. Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Enterance in the initial trainig in the Academy for judges and prosecutors is through enterance exam. The initial training entry exam shall consist of taking the following: - test for the knowledge level of one of the three most commonly used languages of the European Union (English, French or German),
- psychological test, - integrity test,
- qualification test and - practical exam.

(2021): All judges are elected by the Judicial Council. Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

Serbia

(General Comment): A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, qualified, and worthy to perform the function of a judge can be elected as a judge.

After passing the bar exam, work experience in the legal profession is required:

1) two years for the judge of the misdemeanor court;
2) three years for a basic court judge;
3) six years for a judge of the higher court, the commercial court and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.

Other conditions for the selection of a judge are expertise, competence and worthiness.

Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.

Competency means skills that enable effective application of specific legal knowledge in solving court cases.

Dignity implies moral qualities that a judge should possess and conduct in accordance with those qualities.

The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.

Indicators for the assessment of expertise, competence and worthiness are prescribed by the High Council of the Judiciary, in accordance with the law.

Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time.

The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the High Council of the Judiciary.

Success in the exam is expressed in grades from 1 to 5.

A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take an exam organized by the High Council of the Judiciary, but the final grade at the initial training is taken as a measure of expertise and competence. at the Judicial Academy.

The High Council of the Judiciary prescribes the program and method of taking the exam, which evaluates the expertise and competence of candidates for the position of judge.

Discrimination on any basis is prohibited during the nomination for the election of a judge and the election of a judge.

When proposing for the election of a judge, as well as when electing a judge, account is taken of the national composition of the population, the appropriate representation of members of national minorities and knowledge of professional legal terminology in the language of the national minority, which is in official use in the court.

(2024): THE LAW ABOUT JUDGES ("Official Gazette of RS", No. 10/2023)

A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, qualified, and worthy to perform the function of a judge can be elected as a judge. After passing the bar exam, work experience in the legal profession is required:

1) two years for the judge of the misdemeanor court;
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3) six years for a judge of the higher court, the commercial court, and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.

Other conditions for the selection of a judge are expertise, competence, and worthiness.

Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.

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The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance, and exemplary behavior,

and behavior by these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.

Indicators for the assessment of expertise, competence, and worthiness are prescribed by the High Council of the Judiciary, by the law.

Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time.

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1) two years for the judge of the misdemeanor court;
2) three years for a basic court judge;
3) six years for a judge of the higher court, the commercial court, and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.
Other conditions for the selection of a judge are expertise, competence, and worthiness.
Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.
Competency means skills that enable the effective application of specific legal knowledge in solving court cases.
Dignity implies moral qualities that a judge should possess and conduct by those qualities.
The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance, and exemplary behavior, and behavior by these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.
Indicators for the assessment of expertise, competence, and worthiness are prescribed by the High Council of the Judiciary, by the law.
Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time.
The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the High Council of the Judiciary.
Success in the exam is expressed in grades from 1 to 5.
A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take an exam organized by the High Council of the Judiciary, but the final grade at the initial training is taken as a measure of expertise and competence. at the Judicial Academy.
The High Council of the Judiciary prescribes the program and method of taking the exam, which evaluates the expertise and competence of candidates for the position of judge.

Kosovo*
(General Comment): NA

Question 090

Albania

(General Comment): The recruitment of judges is conducted in cooperation between the School of Magistracy and the High Judicial Council . An important step is the process of verification of assets and integrity, carried out by the Council in accordance with the provisions in points 2 to 6 of Article 32 of Law 96/2019, as amended . Article 86 of Law No. 115/2016 "On the governance bodies of the justice system in the Republic of Albania", as amended

More detailed provisions regarding the above procedure can be found in Decision No. 75, dated 23.05.2019, "On the procedure for verifying the legal conditions and criteria for the recruitment of candidates for judges, for the career development of judges, and for the appointment of judges of the Supreme Court", issued by the High Judicial Council.

(2023): The recruitment of judges is conducted in cooperation between the School of Magistracy and the High Judicial Council . An important step is the process of verification of assets and integrity, carried out by the Council in accordance with the provisions in points 2 to 6 of Article 32 of Law 96/2019, as amended .

Bosnia and Herzegovina

(General Comment): Clean criminal record:

During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.

The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?

Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

(2024): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.
The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?
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Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.
Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

Montenegro

(General Comment): RULES OF THE JUDICIAL COUNCIL Application to a public announcement
Article 46Application to a public announcement represents a standard pattern, which is an integral part of these Rules.
The application form contains a warning that giving untrue or false informations shall result in exclusion of candidates from consideration.
With a completed and signed application form a candidate submits the following documents:
- A certified copy of the certificate on citizenship of Montenegro;
- Medical certificate;
- A certified copy of all university diplomas;
- A certified copy of certificate of having passed the bar exam;
- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for which criminal offense;
- A statement that he/she is not a member of any political organization

(2024): no prior convictions or criminal proceedings
regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

(2023): no prior convictions or criminal proceedings
regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

(2022): no prior convictions or criminal proceedings
regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

North Macedonia

(General Comment): Law on Academy for judges and public prosecutors
Article 57, p.1
(1) Conditions for admission of a person to initial training shall be:
- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.
Criminal code
Prohibition on practicing profession, performing an activity or duty
Article 38-b
(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.
(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.
(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.
(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.
(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

(2024): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.

(2023): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.

Serbia

(General Comment): According to the provisions of Article 48 of the Law on Judges, a citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional, capable and worthy of performing the function of a judge can be elected as a judge.
According to Art 45 od Law on civil servants a person who is legally an adult, has the
nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other
requirements prescribed by law, other legislation or Regulations on internal organization and
systematisation of job positions may be employed as a civil servant, if his or her employment
relationship was not earlier terminated due to a grave breach of obligation from the employment
relationship and if he or she was not convicted by prison sentence of at least six months.

(2024): The Law on the Judges (“Official Gazette of RS", No. 10/2023) in Art 48 prescribes that a citizen of the Republic of Serbia who meets the general requirements for work in state authority, who has graduated from law school, passed the bar exam, who is professional and worthy of exercising the judicial function can be elected as a judge. According to Art 45 of the Law on civil servants a person who is legally an adult has the nationality of the Republic of Serbia, has prescribed professional qualifications, and fulfills other requirements prescribed by law, other legislation, or Regulation on internal organization and systematization of job positions may be employed as a civil servant if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by a prison sentence of at least six months.

(2023): The Law on the Judges ("Official Gazette of RS", No. 10/2023) in Art 48 prescribes that a citizen of the Republic of Serbia who meets the general requirements for work in state authority, who has graduated from law school, passed the bar exam, who is professional and worthy of exercising the judicial function can be elected as a judge.
According to Art 45 of the Law on civil servants a person who is legally an adult has the nationality of the Republic of Serbia, has prescribed professional qualifications, and fulfills other requirements prescribed by law, other legislation, or Regulation on internal organization and systematization of job positions may be employed as a civil servant if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by a prison sentence of at least six months.

Kosovo*
(General Comment): By clean criminal record is meant the subject have not been convicted of a criminal offence nor is under criminal investigation(has an indictment)

(2024): To have a high professional reputation and personal integrity;
Additionally, as specific criteria, a medical certificate is required for the assessment of psycho-physical abilities.

(2021): Pursuant to Article 20 of Law no. 06 / L-055 of the Kosovo Judicial Council, on the recruitment of judges.

Question 091

Albania
(2023): According to Article 30, paragraph 4 of Law No. 96/2016, as amended, the High Judicial Council may provide comments or objections no later than the end of March each year. The School of Magistracy approves the final evaluation report, taking into account the comments and objections made.

Montenegro
(General Comment): According to the Constitution, Judicial Council elects the judges and court presidents. The Law on Judicial Council and Judges and the Rules of Procedure of Judicial Council regulate the procedure for the selection of judges and court presidents. The Judicial Council conducts the procedure for the selection of judges and makes decisions on election of judges after the procedure is completed.

North Macedonia

(General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions.The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.
The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.
The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of Macedonia, from the courts of appeal, from the basic courts, and one member from the Administrative Court or the Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

(2024): Competent authority for entrance in the initial training of the Academy for Judges and public Prosecutors is Commission for entrance exam. The Management Board of the Academy appoints the members of the Commission for entrance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.

(2023): Competent authority for enterance in the initial training of the Academy for Judges and public Prosecutors is Commission for enterance exam. The Management Board of the Academy appoints the members of the Commission for enterance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.

Serbia

(General Comment): According to the new Law on Judges (adopted after Constitutional changes) High Judicial Council is the only institution in charge for appoing and dismissing a judge.

Kosovo*

(2022): KJC through the commission for recruitment of judges, as per the law on the Kosovo Judicial Council is responsible for organizing recruitment of judges and selection of candidates.

Question 092

Montenegro

(General Comment): The public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

Serbia

(General Comment): Yes. The public competition for the election of a judge is published by the High Council of the Judiciary.
The public competition for the election of a judge is announced no later than six months before the termination of the judicial function due to the completion of the working life, that is, no later than 15 days after the termination of the judicial function if it was terminated for another reason prescribed by law.
The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia and on the website of the High Council of the Judiciary.

(2024): The High Judicial Council shall announce a public competition for the election of judges. The public competition is published in the “Official Gazette of the Republic of Serbia”, other media with national coverage in the Republic of Serbia, and at the website of the High Judicial Council.

(2023): The High Judicial Council shall announce a public competition for the election of judges.
The public competition is published in the “Official Gazette of the Republic of Serbia”, other media with national coverage in the Republic of Serbia, and at the website of the High Judicial Council.

Question 093

Albania

(2022): Criterias are defined by law, but also announced in the public call from the Judicial Academy

Serbia

(General Comment): Yes, all the criteria are publicly available in an announcement for a judge position published by the HJC.

(2024): The High Judicial Council shall announce a public competition for the election of judges.
The public competition is published in the "Official Gazette of the Republic of Serbia", other
media with national coverage in the Republic of Serbia – the daily „Politika" and on the Council's website and are therefore made available to all interested candidates.

Question 094

Bosnia and Herzegovina

(General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

(2019): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Montenegro

(General Comment): Link to the Law on Judicial Council and judges- articles 47-51
Criteria for Appointment of Judges Appointed for the First Time
Article 47 -The criteria for appointment of judges appointed for the first time shall be: 1) Grade on the written test referred to in Article 48 of the present Law, or the grade on the bar exam, in accordance with the law governing the bar exam; 2) Evaluation of the interview with the candidate.
Written Testing Article 48- The Judicial Council shall conduct written testing of persons appointed as judges of Basic Court for the first time, who meet the statutory requirements and whose applications are timely and complete, through a commission consisting of three members of the Judicial Council, of which two from among the judges and one from among eminent lawyers. Written testing shall not be conducted for the persons referred to in paragraph 1 of this Article who received grades at the bar examination. The written test shall be prepared by the commission referred to in paragraph 1 of this Article, and shall include drafting of decisions in criminal and civil matters. The written test shall be answered under a code. Assessment of the written test shall be performed by a certain number of points awarded for the decision form, the application of law and the rationale of the decision, in such a manner that the maximum of 80 points may be achieved, of which up to 40 for drafting a decision in the criminal field and up to 40 for drafting a decision in the civil field. The written test shall be examined by the commission referred to in paragraph 1 of this Article, which shall submit it, along with proposed grade, to all members of the Judicial Council. The Judicial Council shall determine the grade at the written test. Implementation of the written testing shall be governed by the Rules of Procedure of the Judicial Council.
Interview Article 49 -The Judicial Council shall conduct an interview with persons who have achieved a score of more than 60 points in the written test or the bar exam. At an interview, the following shall be evaluated: - Motivation for work in court; - Communication skills;
- Ability to make decisions and resolve conflicts; - Comprehension of the role of a judge in society. Evaluation based on criteria referred to in paragraph 2 of this Article shall be exercised in such a manner that each member of the Judicial Council shall determine the number of points awarded to each person, where a person may achieve a maximum of 20 points at an interview. The final grade at an interview
shall be the average number of points, which is determined based on the number of points awarded by each member of the Judicial Council. A person who, based on the interview evaluation, scores less than 15 points at an interview may not be on the ranking list of candidates for judges. While conducting an interview, the Judicial Council may use the expert assistance of psychologists.
Ranking List of Candidates for Judges- Article 50 On the basis of grades in the written test or the bar exam and interview evaluation, the ranking list of candidates for judges shall be made (hereinafter: the ranking list), according to the number of points achieved. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on a written test or the bar exam, and if candidates have scored the same number of points on the written test or the bar exam, the preference shall be given to the candidate who is a member of a minority or other minority ethnic community. If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.
Appointment and Assignment of Candidates for Judges- Article 51 The Judicial Council shall make a decision on the appointment of as many candidates for judges as advertised

Serbia

(General Comment): The list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

(2024): The ranking list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on the procedure for the election of a judge and the president of the court (“Official Gazette of RS", No.34/2024).

(2023): The ranking list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23).

Question 095

Albania

(General Comment): Please see the explanation on question 90. Appointments at the high court, from non judges, have a right to appeal, after their application has been reiewed and assessed by the council.
The law provides that: The High Judicial Council shall establish a written proposal on the appointment of candidates. The proposal shall be reasoned in relation to the fulfilment of legal requirements and shall rank the candidates in accordance with the criteria provided in paragraph 8 of this Article. The decision on proposal for appointment is appealable. The rules contained in Article 41
paragraphs 2 to 4 shall apply mutatis mutandis. The Council shall make public the final decision on proposal for appointment on its official website.
For more information please see article 49 of the law on status of judges and prosecutors: https://euralius.eu/index.php/en/library/albanian-legislation/send/86-status-of-judges-and-prosecutors/198-law-on-the-status-of-judges-and-prosecutors-en

(2022): The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision.

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

North Macedonia

(2024): Following the expiry of the application deadline, the Commission for entrance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.

(2023): Following the expiry of the application deadline, the Commission for enterance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.

Serbia

(General Comment): Yes.

(2024): The High Judicial Council adopts a decision on the election to the judicial function, which must be explained. The decision with the rationale is published in the “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council. Against the decision on the election to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

(2023): The High Judicial Council adopts a decision on the election to the judicial function, which must be explained. The decision with the rationale is published in the “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.
Against the decision on the election to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

Kosovo*

(General Comment): Unsatisfied candidates that were not selected, have the right to appeal. In the event that the Review Committee of the KJC, after evaluating the complaint, finds that there have been violations of the rules regarding the organization of the qualifying test, the written test, the essay and the oral interview, as defined in this regulation, it may decide to repeat the part opposed to the exam to which the candidates from the list who have met the conditions to be submitted to the relevant part of the exam will be submitted. If the Review Committee of the KJC decides to repeat the relevant part of the exam, the exam will be organized within five (5) days from the decision of the Review Committee. In the event that the Review Committee finds that technical errors have been made in the calculation of the points of the qualifying test, the written test, the essay and the oral interview, while in the case of reviewing the complaint it is verified that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council compiles the final list of the exam, as determined by this regulation, which is published on the Council's official website.

Question 096

Albania

(General Comment): According to Article 12 of the Internal Regulation of the School of Magistracy any candidate who is not included in the list of candidates who meet the eligibility criteria, has the right to use legal remedies provided by Law No. 115/2016, "On the governance bodies of the justice system," and other sublegal acts."

(2024): According to Article 12 of the Internal Regulation of the School of Magistracy any candidate who is not included in the list of candidates who meet the eligibility criteria, has the right to use legal remedies provided by Law No. 115/2016, "On the governance bodies of the justice system," and other sublegal acts."

(2023): According to Article 12 of the Internal Regulation of the School of Magistracy any candidate who is not included in the list of candidates who meet the eligibility criteria, has the right to use legal remedies provided by Law No. 115/2016, "On the governance bodies of the justice system," and other sublegal acts."

(2022): 1. The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision. 2. Administrative Court of Appeal

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2024): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro

(General Comment): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire procedure.

North Macedonia

(General Comment): Right of appeal
Article 88
(1) A candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
(2) The Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

(2024): The Management Board of the Academy is competent to decide on complaints of applicants.

(2023): The Management Board of the Academy is competend to decide on complaints of aplicants.

Serbia
(General Comment): Against the decision on the election to the post of judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

(2024): Constitutional Court
The Constitutional Court is obliged to provide a decision on the appeal to the Constitutional Court within 30 days from the day of the expiration of the deadline for filing the appeal to the Constitutional Court.
The Constitutional Court may reject the appeal to the Constitutional Court as unbased and confirm the decision on the selection to the judicial function or approve the appeal to the Constitutional Court and cancel the decision on the selection to the judicial function.

(2023): Constitutional Court

(2022): Constitutional Court

(2021): According to Art 57 of Law on judges a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, if not elected to permanent office, or in case of dismissal. The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.
High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.
The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.
In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the delivery of the decision.
The Constitutional Court may reject the appeal, or uphold the appeal and set aside the decision on dismissal. The decision of the Constitutional Court is final.

Kosovo*
(General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

Question 097

Albania

(General Comment): The vetting process takes place before candidates start the School of Magistrates. It is conducted after they have been selected as winners in the entrance exam. If a candidate fails the vetting, they are dismissed and cannot enrol in the School of Magistrates.

(2024): The vetting process

(2023): The vetting process.

Bosnia and Herzegovina

(General Comment): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

(2024): The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

(2019): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Montenegro

(General Comment): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized for training judges and mentors in the conducted training, on the basis of the Law on Judicial Council and Judges and the Final proposal of the grades, brings a decision determining the grade of the proposed candidate.

North Macedonia

(General Comment): Judicial Council adopted the Rulebook on the method of ranking candidates for judges from the Academy for Judges and Public Prosecutors, available at http://www.sud.mk/wps/portal/ssrm/sud/legislativa/podzakonski-akti/!ut/p/z1/hZHNTsMwEISfpYcc8W5-6hpukRAJBalwME33gtLIJJHquHKd5vVbtyckcPa20nyzox0gqICG-ty3tevNUB-u-474Ny-yDMUbvhfxRmAuN5I_li_Jc7GCbUggZQoU5r-AgJrRWjU42Dk7qrClZ7wl_jM5hvn152ykOx84MMvTXEQKedwihgT-rWugfq_Z1GiGTMTpMk0EX2ZJJlY89rXlwz4VLZBVP8oqy0Z7bbNz7nh6ijDCaZpYa0x7UKwxOsK_kM6cHFS_lVCivx0Od9RSP0hZYf-ht8KJ13yxuAAllS7M/p0/IZ7_6G4408K0LG1O80AUOU69HF2DO7=CZ6_6G4408K0LG1O80AUOU69HF2DG7=MECTX!QCPsovet_mkQCPSudQCPLegislativaQCPPodzakonskiQCAaktiQCPPodzakonskiQCAakti=ns_Z7_6G4408K0LG1O80AUOU69HF2DO7_WCM_Page.7e4d7b72-297c-4395-bbd7-4f25f1b2c8cf!2=WCM_PI!1==/#Z7_6G4408K0LG1O80AUOU69HF2DO7

(2024): To pass the final exam on the initial training within the Academy for Judges and Public Prosecutors.

(2023): To pass the final exam on the initial training within the Academy for Judges and Public Prosecutors.

Serbia

(General Comment): THE LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)
1. Conditions for selection
General conditions for selection
Article 48
A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, capable and worthy of performing the function of a judge can be elected as a judge.
Work experience required
Article 49
After passing the bar exam, work experience in the legal profession is required:
1) two years for the judge of the misdemeanor court;
2) three years for a basic court judge;
3) six years for a judge of the higher court, the commercial court and the Misdemeanor Court of Appeal;
4) ten years for a judge of the Court of Appeal, the Commercial Court of Appeal and the Administrative Court;
5) twelve years for a judge of the Supreme Court.
Other conditions for selection
Article 50
Other conditions for the selection of a judge are expertise, competence and worthiness.
Expertise implies having the theoretical and practical knowledge necessary to perform the function of a judge.
Competency means skills that enable effective application of specific legal knowledge in solving court cases.
Dignity implies moral qualities that a judge should possess and conduct in accordance with those qualities.
The moral qualities that a judge should possess are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the judge and the court in and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in and outside the service and assuming responsibility for the internal organization and positive image of the judiciary in the public.
Indicators for the assessment of expertise, competence and worthiness are prescribed by the High Council of the Judiciary, in accordance with the law.
Determining the expertise and competence of a candidate for a judge who is elected to the position of judge for the first time

Kosovo*

(General Comment): According to the Law on Kosovo Judicial Council, article 20 (recruitment of judges), there are seven main requirements when it comes to the recruiting criteria: 1. professional knowledge, work experience and performance, including knowledge
and respect for human rights;
2. capacity for legal justifications as evidenced by professional activities in the field
of justice, including in the capacity of a judge, prosecutor or Lawyer, academic work or
other professional activity;
3. the professional ability based on the result of the previous career, including
participation in organized training forms where performance is assessed;
4. ability and capacity to analyze legal problems;
5. the ability to perform tasks impartially, honestly, with care and responsibility;
6. communication skills; and
7. personal integrity.
The procedure for assessing the eligibility of a candidate to become part of the judiciary is carried out through verification of the data submitted by the candidate, data from relevant public records for evaluation, including the standard verification of records for the criminal past.

(2024): See general comment

Question 097-1

Serbia
(General Comment): Minutes of the interviews are taken
Audio or video recording of the interviews are taken
A standardised questionnaire is used for all candidate

Question 098

Albania
(2024): The High Judicial Council decides on the qualification of the candidate graduated from the School of Magistracy and the continuation of further procedure related to his appointment as a judge, in accordance with articles 35 and 39 of Law No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended.

(2023): The High Judicial Council decides on the qualification of the candidate graduated from the School of Magistracy and the continuation of further procedure related to his appointment as a judge, in accordance with articles 35 and 39 of Law No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended.

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

North Macedonia

(2024): Commission for final exam within Academy.

(2023): Commission for final exam within Academy.

Serbia

(General Comment): High Judicial Council is the only institution in charge to select judges.

Question 099

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Serbia

(General Comment): The High Judicial Council is the only institution in charge of the appointment of a judge after the Constitutional changes. Article 150 of Serbian Constitution
The High Council of the Judiciary is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.
The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competencies determined by the Constitution and the law.According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.
The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.
The public competition is published in the "Official Gazette of the Republic of Serbia", a means of public information covering the territory of the Republic of Serbia, and on the High Judiciary Council website.
The High Judiciary Council decides on the election of a judge, which must be explained.
The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.
The right to appeal to the Constitutional Court against the decision on election to judicial office
Article 59
Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

(2024): Article 150 of Serbian Constitution

The High Council of the Judiciary is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.

The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competencies determined by the Constitution and the law.

According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.

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The decision from paragraph 1 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia" and on the website of the High Judiciary Council.

The right to appeal to the Constitutional Court against the decision on election to judicial office

Article 59

Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia". The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.

The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.

The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

(2023): Article 150 of Serbian Constitution
The High Council of the Judiciary is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.
The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competencies determined by the Constitution and the law.
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The High Judiciary Council decides on the election of a judge, which must be explained.
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The right to appeal to the Constitutional Court against the decision on election to judicial office
Article 59
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The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Kosovo*
(General Comment): At the end of these procedures, in accordance with the proposal of the KJC, the President of Kosovo decrees the new judges

(2024): At the end of these procedures, in accordance with the proposal of the KJC, the President of Kosovo decrees the new judges.

(2021): Other body: President

Question 100

Albania

(General Comment): According to Article 35 of law 96/2016 on the status of judges and prosecutors in the Republic of Albania:
1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:
a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
b) Having achieved evaluation scores of at least ”good” in each of the assignments during the professional internship in the third year of the initial training;
c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.
2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law,
within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.
3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a
preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the
Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the
graduate seeks to be appointed. 4. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:
a) Appoint as magistrate, each person who appears in the graduates' list, who satisfies the criteria for appointment, as well as has applied under the provisions of paragraph 2 and 3 of this Article,
b) Reject the appointment as magistrate to any person who appears in the graduates' list and having submitted the request under points 2 and 3 of this Articles, however, not satisfying the criteria for appointment.
5. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year, under the provisions of paragraph 2 of this Article.

Bosnia and Herzegovina

(General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, read as follows:
Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b
(Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Serbia

(General Comment): The High Judicial Council is the only institution in charge of the appointment of a judge.
Article 150
The High Judiciary Council is an independent state body that ensures and guarantees the independence of courts, judges, presidents of courts, and lay judges.
The High Council of the Judiciary elects judges and lay judges and decides on the termination of their office, elects the president of the Supreme Court and the presidents of other courts and decides on the termination of their office, decides on the transfer and assignment of judges, determines the required number of judges and lay judges, decides on other matters of position judges, presidents of courts and lay judges and exercises other competences determined by the Constitution and the law.
According to the Law on Judges, the High Judiciary Council publishes the public competition for the selection of a judge.
The public competition for the election of a judge is published no later than six months before the termination of the judicial office due to the completion of the working life, that is, no later than 15 days after the termination of the judicial office if it was terminated for another reason prescribed by law.
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Article 59
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The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
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(2024): Article 150

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The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Kosovo*
(General Comment): According to the Article 22 of Law on KJC, The President appoints judges in the judicial system with a three (3) year initial mandate
based on the Council's proposals. Within sixty (60) days after the receipt of the proposal, the President shall issue a decree on the appointment as judge of the candidate proposed by the Council. If within this deadline the President does not appoint the judge, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the judge upon the proposal of the Council. As per the article 84, the President of the Republic of Kosovo appoints and dismisses judges of the Republic of Kosovo upon the proposal of the Kosovo Judicial Council. Therefore, candidates that are proposed by the Kosovo Judicial Council, will be verified again by the office of the President, hence it is upon President's discretion to appoint a judge or to return back the proposal regarding that judge to the KJC.

Question 101

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro

(General Comment): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.
Article 52 of the Law on Judicial Council and Judges : ”A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present Law.”

North Macedonia

(General Comment): Law on Judicial Council, article 49, paragraph 5
The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.
The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.
This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Serbia

(General Comment): Article 59 Law on Judges Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court can reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on election to the judicial position or accept the appeal and cancel the decision on election to the judicial position.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Question 102

Albania
(2022): Administrative Court of Appeal

Bosnia and Herzegovina
(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

North Macedonia
(2024): Appeal Council within the Supreme Court is competent to decide on the appeal of candidate who is not appointed by the Judicial Council.

(2023): Appeal Council within the Supreme Court is competent to decide on the appeal of candidate who is not appointed by the Judicial Council.

Serbia

(General Comment): Constitutional Court

(2024): Article 59 Law on Judges Against the decision on the election of a judge, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
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The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

(2022): Constitutional Court

(2021): According to Art 57 of Law on judges a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, if not elected to permanent office, or in case of dismissal. The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.
High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.
The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.
In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the delivery of the decision.

Kosovo*

(General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

Question 103

Albania

(General Comment): Integrity is part of the selection process in three moments. The first control, made by the School of Magistrates, is if the candidate fulfil the criteria for admission to initial training, two of which consist in integrity: they must have never been criminally convicted by a final decision and they must have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction.
The second control is made with the psychological and mental health assessment, which is part of the recruitment exam. This assessment is also focused in the approach of the candidates to corruption, ethics, etc. And the third control is made by the Councils, after the applicants have successfully passed the two phases and the psychological and mental health assessment. The Councils shall request for each applicant, information from competent institutions for the verification of assets and background check regarding any other disqualifying grounds from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, state intelligence institutions and any disciplinary authorities having supervised the discipline in the labour relations of the candidate.

Bosnia and Herzegovina

(General Comment): Through the check of disciplinary proceedings and sanctions:
In the competition procedure for the post of a judge or a prosecutor information is checked whether disciplinary proceedings are being conducted against the candidate, whether a final disciplinary measure has been imposed to the candidate, meaning whether the candidate has been convicted. The said information impact the decision whether the candidate will be invited to an interview, meaning whether or not they will further participate in the competition procedure. If a disciplinary measure is imposed to the candidate in a certain time period, depending on the measure, they cannot participate in the competition procedure. Through an integrity assessment test:
The candidate's ability to responsibly, independently and impartially hold the office they applied for, professional impartiality and reputation and conduct outside the job is one of the criteria examined in the interview with the candidate by asking suitable questions.

(2022): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

(2021): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

North Macedonia

(General Comment): The integrity of candidate judge is checked with a conducting on a psychological and integrity test by the Judicial Council according to the article 45-a from the Law on courts.

Article 45-a

(1) The psychological test, conducted by the Judicial Council of the Republic of Macedonia, shall aim at affirming the candidates for exercising the judicial office by checking their social skills.

(2) The integrity test that is conducted by the Judicial Council of the Republic of Macedonia shall be founded on the existing ethical and professional codes for exercising the judicial office and shall aim at checking the ethical and moral values of the candidate for exercising the judicial office, and shall consist of:

- test that is conducted in a written form and anonymously, based on the standardized list of questions, and - abolished

(3) The Judicial Council of the Republic of Macedonia, when conducting the psychological test and the integrity test, shall be obliged to take into account the protection of the personal data, reputation and dignity of the candidate in accordance with the law.

(4) The Judicial Council of the Republic of Macedonia shall engage experts from an independent and fully accredited professional institution for conducting the psychological test and the first part of the integrity test.

(5) The psychological test shall be conducted on the basis of internationally recognized psychological tests for exercising the judicial office that are applied in at least one of the member states of the European Union and the OECD.

Serbia

(General Comment): Obtaining data and opinions

Article 55

The High Council of the Judiciary obtains data and opinions on the expertise, competence and worthiness of candidates.

Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.

For a candidate who has worked in court, data is obtained from the candidate's personal file, and the opinion of the session of all judges of the court where the candidate worked must be obtained.

For a candidate from the ranks of judges, in addition to the data and opinion from paragraph 3 of this article, the opinion of the session of all judges of the immediately higher court is obtained.

When making a decision on the selection of a judge, the High Council of the Judiciary takes into account the grade obtained in the process of evaluating the work of candidates from the ranks of judges.

During the selection of candidates from the ranks of judges, other activities of importance for the performance of the judicial function may also be taken into account.

For a candidate who works as a judge's assistant, a performance evaluation must be obtained.

For a candidate who has not worked as a judge before, the High Council of the Judiciary especially appreciates the type of work he performed after passing the bar exam.

Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on the election of the candidate.

(2024): Article 48. Law on Judges ("Official Gazette of RS", No. 10/2023) A citizen of the Republic of Serbia who meets the general requirements for working in a state body, who has graduated from law school, passed the bar exam and who is professional, capable and worthy of performing the function of a judge can be elected as a judge.
General requirements for working in the state body are prescribed in Article 45. Law on civil servants. An adult citizen of the Republic of Serbia who has the prescribed professional qualification and meets the other conditions determined by the law, other regulations, and the rulebook on the internal organization and systematization of workplaces in the state body can be employed as a civil servant, if his employment in the state body has not been terminated before due to breach of duty from the employment relationship and has not been sentenced to a prison sentence of at least six months.
Obtaining data and opinions
Article 55
The High Council of the Judiciary obtains data and opinions on the expertise, competence and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who has worked in court, data is obtained from the candidate's personal file, and the opinion of the session of all judges of the court where the candidate worked must be obtained.
For a candidate from the ranks of judges, in addition to the data and opinion from paragraph 3 of this article, the opinion of the session of all judges of the immediately higher court is obtained.
When making a decision on the selection of a judge, the High Council of the Judiciary takes into account the grade obtained in the process of evaluating the work of candidates from the ranks of judges.
During the selection of candidates from the ranks of judges, other activities of importance for the performance of the judicial function may also be taken into account.
For a candidate who works as a judge's assistant, a performance evaluation must be obtained.
For a candidate who has not worked as a judge before, the High Council of the Judiciary especially appreciates the type of work he performed after passing the bar exam.
Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on the election of the candidate.
Law on Judges stipulates conditions for selection to judicial function. Apart from conditions for a candidate to be a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and has relevant work experience, a judge has to be qualified, competent and worthy of a judicial function. Worthiness in this case means ethical characteristics that a judge should possess, and their conduct in accordance with such characteristics. A judge must possess the following moral characteristics: honesty, thoroughness, diligence, fairness, dignity, perseverance, and esteem, and conduct in compliance with these characteristics involves upholding of dignity of a judge and a court on and off duty; awareness of social responsibility; preserving of independence and impartiality; reliability and dignity on duty and off; as well as taking the responsibility for the internal organisation and a positive public image of the judiciary.
Upon selection for a judge, worthiness is assumed. For the purpose of assessing worthiness for performance of a judicial function, an opinion of a candidate’s work collective is

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For a candidate who works as a judge's assistant, a performance evaluation must be obtained.
For a candidate who has not worked as a judge before, the High Council of the Judiciary especially appreciates the type of work he performed after passing the bar exam.
Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on the election of the candidate.

(2022): Opinions on candidates and judges are required and criminal records are checked.

(2021): Opinions on candidates and judges are required and criminal records are checked.

Kosovo*

(General Comment): Based on Article 27 point 1.8 of Law no. 06/L-055 Law on the Judicial Council, personal integrity is required, which is in accordance with the Constitution and the criteria defined by the Law.

(2021): Pursuant to Article 27 point 1.8 of Law no. 06 / L-055 of the Law on the Judicial Council, personal integrity is required. That are in accordance with the Constitution and the criteria set by law.

Question 104

Albania

(General Comment): The status of a magistrate shall end upon:
a) His or her resignation;
b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
c) Reaching the retirement age 67 years old;
ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
d) Establishment of circumstances of inability to exercise the function.
2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70,
regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9 year term, without the right to re-appointment.

(2024): The age of retirement is 67 for all magistrates, with the possibility of extension as foreseen bylaw. The age of retirement is 70, for judges of the High Court of Albania.

(2023): The age of retirement is 67 for all magistrates, with the possibility of extension as foreseen bylaw. The age of retirement is 70, for judges of the High Court of Albania.
Article 64 of Law No. 96/2016 foresees as quoted below:
2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in the position.
5. The magistrate retires at the age of 67. The magistrate, at his request, can remain in office until the age of 70. The request for staying in office is presented no later than 6 months before reaching retirement age. The status of the magistrate ends when he reaches the age of 67 or the age of 70, in cases where he has requested to remain in office until this age. The council declares with the decision ending the status of the magistrate, not later than two weeks before the end of the respective month.
According to Law no 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, Article 64 provides that the status of a magistrate terminates with:
a) resignation;
b) presence of conditions of ineligibility and incompatibility in the exercise of the function are verified;
c) reaching the retirement age;
d) dismissal from office for disciplinary liability issues, according to the provisions of this law;
e) verified inability to perform the duty.

(2022): Judges of the High Court shall retire at the age of 70.

Bosnia and Herzegovina

(General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina the mandatory retirement age for judges is age seventy (70). A judge can be removed from office as a disciplinary sanction. The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A judge can resign from office. A judge can be removed from the office because it has been proven by the medical documentation that she or he has permanently lost the working capacity to perform his/her judicial function.
Reserve judges may be appointed on a temporary basis (up to 2 years).
Their role is to assist courts in reducing case backlogs, or to replace temporarily judges who are absent for a prolonged period of time. They are appointed in the publicly announced procedure by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina upon application by the president of a court; the High Judicial and Prosecutorial Council of Bosnia and Herzegovina may renew the mandate of reserve judges following the request of the president of a court.

Montenegro

(General Comment): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.
A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office;
unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.

North Macedonia

(General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia.

(2024): With the amendments to the Labor Law from February 2025, there is a possibility for judges to prolong their retirement until 67.

(2022): In 2022, the official compulsory age of retirement is 64 years (please, see the general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.

Serbia

(General Comment): By the Law on Judges ("Official Gazette of RS", No. 10/2023), continuity of the judge position is guaranteed. A term
Article 13
The judicial office lasts continuously from the election as a judge until the completion of the working life.

(2024): The Law on the Judges ("Official Gazette of RS", No. 10/2023)
Article 13
The judicial office lasts continuously from the election as a judge until the completion of the working life. Completion of working life Article 66
A judge's function ends when he reaches the end of his working life, by force of law.
The working life of a judge ends when the judge reaches 65 years of age, except a judge of the Supreme Court who can perform the function of a judge until reaching 67 years of age.

(2023): The Law on the Judges ("Official Gazette of RS", No. 10/2023)
Article 13
The judicial office lasts continuously from the election as a judge until the completion of the working life. Completion of working life
Article 66
A judge's function ends when he reaches the end of his working life, by force of law.
The working life of a judge ends when the judge reaches 65 years of age, except a judge of the Supreme Court who can perform the function of a judge until reaching 67 years of age.

Kosovo*
(2023): Based on Article 25 of Law No. 06/L-055 Dismissal of Judges, Judges may be dismissed from office due to conviction for a criminal offense or serious non-compliance with duties.

(2022): Based on Article 25 of Law No. 06/L-055 Dismissal of Judges, Judges may be dismissed from office due to conviction for a criminal offense or serious non-compliance with duties.

(2021): Pursuant to Article 25 of Law No. 06 / L-055 Dismissal of Judges, Judges may be removed from office due to a conviction for a criminal offense or serious misconduct.

Question 106

Serbia

(General Comment): The High Judicial Council elects judges to be appointed to permanent office.
A first-time elected judge whose work during the first three-year term of office is
assessed with performs the judicial duty with exceptional success . Rating shall be elected to
permanent office as mandatory. A first-time elected judge whose work during the first three-year term of office is
assessed as not satisfactory; may not be appointed to permanent office. Every decision on the election must be reasoned and published in the ''Official Gazette
of the Republic of Serbia''.

Kosovo*

(2024): Initial mandate of judges is 3 years.

Question 107

Serbia

(General Comment): Article 67
Against the legally binding decision of the High Council of the Judiciary on termination of office, the judge has the right to appeal to the Constitutional Court, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal or accept the appeal and cancel the decision on termination of office.
The decision of the Constitutional Court is final.

Kosovo*

(2024): There is a possibility to submit a claim to the competent court.

Question 108

North Macedonia

(General Comment): All judges are appointed for a life.

Kosovo*

(2024): After successfully completing their initial mandate and being reappointed, a judge serves with an indefinite mandate.

Question 109

Kosovo*

(2024): After successfully completing their initial mandate and being reappointed, a judge serves with an indefinite mandate.

Question 111

Albania

(General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.
Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

(2023): Prosecutors are recruited through a combination of both (competitive exam and working experience).

(2022): a combination of both (competitive exam and working experience)

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Montenegro

(General Comment): The Law on State Prosecutor's Office defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview. Criteria for promotion of the state prosecutor:

-grade given in the performance evaluation

- interview evaluation grade

(2024): Law on State Prosecutor's Office, Article 57 - Advertising vacancies:
Vacant posts of state prosecutors in basic state prosecutor’s office shall be filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecutor’s office to another.
If a vacant post of the state prosecutor is not filled in according to paragraph 1 of this Article, state prosecutors in basic state prosecutor’s offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecutor’s offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media based in Montenegro.

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North Macedonia

(General Comment): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. In the Law on Public Prosecution the public prosecutor can be appointed among any person that meets the general terms set by law on employment in a state body, as well as the following conditions Basic Conditions:
- to be a citizen of the State
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in the State or a recognized diploma from abroad and - to have the Judicial exam.
For State Public Prosecutor can be appointed a person who meets the above mentioned terms, as well as the following special terms:
- 8 years professional experience in legal matters, after taking the judicial exam, or a full-time or part-time university professor that has been teaching a law related subject or a judicial practice subject for more than 10 years.
For Public prosecutor in the State Public Prosecution Office can be appointed a person who besides mentioned basic conditions meets the following terms:
- 8 years professional experience in legal matters with acknowledged results, after taking the judicial exam.
For Higher public prosecutor of a Higher Public Prosecution can be appointed any person that besides the mentioned basic conditions has professional experience of at least 5 years as a public prosecutor with acknowledged results in the work.
For public prosecutor in a Higher Public Prosecution can be appointed any person who besides the basic conditions meets the following special terms:
- 5 years professional experience in legal matters with acknowledged results, after taking the judicial exam
For Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and a public prosecutor in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption can be elected a person that besides the basic conditions has professional experience of at least 4 years as a public prosecutor with acknowledged achievements in the work.
For public prosecutor in a Basic Prosecution can be appointed any person who besides basic conditions mentioned above meets the following special terms:
- Completed training at the Academy for training of judges and public prosecutors.
In the Law on Public Prosecution is defined that in the position of the State Public prosecutor, high public prosecutor and in the public prosecution for prosecution of the organised crime and corruption, the Council will select a person with
confirmed results at work, who has professional and experts qualities who as well enjoys
authority in performing his function, based on the following criteria:
1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,

(2024): All public prosecutors are appointed by the Council of Public Prosecutors except Public Prosecutor of the Republic of North Macedonia who is appointed by the Parliament. Public prosecutors in basic public prosecution offices are appointed by the Council of Public Prosecutors from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Entrance in the initial training in the Academy for judges and prosecutors is through entrance exam. The initial training entry exam shall consist of taking the following: - test for the knowledge level of one of the three most commonly used languages of the European Union (English, French or German),
- psychological test, - integrity test,
- qualification test and - practical exam.

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Serbia

(General Comment): Article 80. THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023) The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time
Article 84
In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's office is specially checked for expertise and competence.
The expertise and competence of the candidate is checked in an exam organized by the High Council of the Prosecutor's Office.
Success in the exam is expressed in grades from 1 to 5.
A candidate for public prosecutor who is elected as a public prosecutor in the basic public prosecutor's office, and who has completed initial training at the Judicial Academy, is not required to take an exam organized by the High Council of Prosecutions, but the final grade at the initial training at Judicial Academy.
The High Council of the Prosecutor's Office prescribes the program and method of taking the exam, which checks the expertise and competence of the candidates.
Prohibition of discrimination
Article 85
During the selection and nomination of candidates for the position of public prosecutor, discrimination on any basis is prohibited.
When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account.

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When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account.

Kosovo*

(General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 40 points in the interview. After the interview, preliminary results with a combination of results from written exam and interview are published in the KPC web page. A candidate is considered to have successfully passed the recruitment process if he/she has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by KPC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

(2023): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 40 points in the interview. After the interview, preliminary results with a combination of results from written exam and interview are published in the KPC web page. A candidate is considered to have successfully passed the recruitment process if he/she has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by KPC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

Question 112

Albania

(General Comment): In addition to the above criteria, in the Law “On the status of judges and prosecutors”, as amended, it is stipulated that candidates must meet other criteria such as:
- the lack of disciplinary measures in force;
- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent.

(2024): The criteria related to “Clean criminal record” means that, candidates should have not been convicted by a final criminal decision for a criminal offense that, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or seriously damages the public's trust in the judicial system, regardless of whether he has been rehabilitated according to the provisions of the Criminal Code. Also “Other” legal criteria are: The candidate should have not been removed from office or his license, authorization or permission to practice a profession has not been revoked for disciplinary reasons, regardless of whether the disciplinary measure is considered extinguished, and there is no disciplinary measure in force; is not a member of political parties at the time of candidacy; was not a member, associate or beneficiary of State Security prior to 1990; and, was not a collaborator, informant, or secret service agent (According to Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

(2022): Related to the “age” criteria to become a prosecutor, in the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, there is no any criteria related to the age of the candidates to enter the exam and then, accepted in the Initial Forming program of the Judicial Academy. Each person, who fulfill the legal criteria, despite of his age, may enter the exam and be graduated in the Judicial Academy, to become a prosecutor.
The criteria related to “Clean criminal record” means that, candidates should have not been convicted by a final criminal decision for a criminal offense that, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or seriously damages the public's trust in the judicial system, regardless of whether he has been rehabilitated according to the provisions of the Criminal Code. Also “Other” legal criteria are: The candidate should have not been removed from office or his license, authorization or permission to practice a profession has not been revoked for disciplinary reasons, regardless of whether the disciplinary measure is considered extinguished, and there is no disciplinary measure in force; is not a member of political parties at the time of candidacy; was not a member, associate or beneficiary of State Security prior to 1990; and, was not a collaborator, informant, or secret service agent (Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

(2021): According to the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, one of the admissibility criteria is the non-conviction of a candidate by a final criminal decision of committing a criminal offense which, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or severely damages the public trust in the judicial system, regardless of whether he/she has been rehabilitated.

Bosnia and Herzegovina

(General Comment): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.
Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the prosecutorial function.

(2019): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.
Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the prosecutorial function.

Montenegro

(General Comment): That no criminal proceedings are conducted; a medical certificate of fitness.
"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing application. "Other" - Certificate of Citizenship of Montenegro; Certificate on Health Capability.

(2024): The criteria for applying for the procedure to become a prosecutor are defined in accordance with the Law on State Prosecution "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024, articles 49 and 50

(2023): The competent authority issue relevant documents confirming that no criminal record of convictions or no criminal proceedings are being conducted against the candidate.

(2022): The competent authorities issue relevant documents confirming that no criminal record of convictions or no criminal proceedings are being conducted against the candidate.

North Macedonia

(General Comment): Law on Academy for judges and public prosecutors
Article 57, p.1
(1) Conditions for admission of a person to initial training shall be:
- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.

Criminal code
Prohibition on practicing profession, performing an activity or duty
Article 38-b
(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.
(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.
(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.
(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.
(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

(2024): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.

(2023): The Law on the Academy for judges and prosecutors
Initial Training Admission Requirements Article 31 (1)The initial training admission requirements shall be as follows: – bachelor of law with completed four-year higher education VII/I degree of studies of law or bachelor of law with acquired 300 credits according to the European Credit Transfer System (ECTS),
- passed bar exam, - at least two years of service in legal matters following the passing of the bar exam, - without pronounced measure prohibiting the execution of a profession, activity or duty, - to be a citizen of the Republic of North Macedonia, - active knowledge of the Macedonian language, - knowledge of one of the three most commonly used languages of the European Union, level B1 (English, French or German), which can be determined within the entry exam in the Academy, - practical work with computers and - capable to work and with general medical fitness.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023) Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Law on Public Prosecutors Article 82 A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Law on Public Prosecutors Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence, and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time
Article 84
In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's office is specially checked for expertise and competence.
The expertise and competence of the candidate is checked in an exam organized by the High Council of the Prosecutor's Office.

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023) Article 81
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The expertise and competence of the candidate is checked in an exam organized by the High Council of the Prosecutor's Office.
Success in the exam is expressed in grades from 1 to 5.
A candidate for public prosecutor who is elected as a public prosecutor in the basic public prosecutor's office, and who has completed initial training at the Judicial Academy, is not

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023) Article 81
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2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
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Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
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In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's office is specially checked for expertise and competence.
The expertise and competence of the candidate is checked in an exam organized by the High Council of the Prosecutor's Office.

(2021): According to Art 45 of Law on civil servants a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulation on internal organisation and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by prison sentence of at least six months.

Kosovo*

(General Comment): The clean criminal record is defined as follows: “have not been convicted of a criminal offence;”
Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity
As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two independent institutions of the Rule of Law Sector. Therefore, they have both internal specific regulations which define the criteria for becoming a judge or prosecutors. So, KPC and KJC are fully competent to define the criteria independently.

(2024): Regarding clean criminal record, the criteria specified by law is: •not have been convicted of a criminal offense, except for criminal offenses committed through negligence;
•there is not any indictment filed against him, except those filed for criminal offences committed by negligence.
Regarding “Other”:
•be a citizen of the Republic of Kosovo;
•have high professional reputation and personal integrity;
Article 24 of Law on State Prosecutor: https://gzk.rks-gov.net/ActDetail.aspx?ActID=74943

(2023): Regarding clean criminal record, the criteria specified by the law is "not have been convicted of a criminal offence," Regarding "Other":
- be a citizen of the Republic of Kosovo,
- have high professional reputation and personal integrity

(2022): Regarding clean criminal record, the criteria specified by law is “not have been convicted of a criminal offence;”
Regarding “Other”:
•be a citizen of the Republic of Kosovo;
•have high professional reputation and personal integrity;

(2021): Regarding clean criminal record, the criteria specified by law is “not have been convicted of a criminal offence;”
Regarding “Other”:
•be a citizen of the Republic of Kosovo;
•have high professional reputation and personal integrity.

Question 113

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Montenegro

(General Comment): The jurisdiction for selection of prosecutors and heads of prosecution offices is under the Prosecutorial Council. The Prosecutorial Council establishes the plan of vacated positions, announces the public call, receiving applications conducts the written testing procedure, performs the interview with the candidates, making decision on selection etc.

North Macedonia

(General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions.The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.
The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.
The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of Macedonia, from the courts of appeal, from the basic courts, and one member from the Administrative Court or the Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

(2024): Competent authority for entrance in the initial training of the Academy for Judges and public Prosecutors is Commission for entrance exam. The Management Board of the Academy appoints the members of the Commission for entrance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.

(2023): Competent authority for enterance in the initial training of the Academy for Judges and public Prosecutors is Commission for enterance exam. The Management Board of the Academy appoints the members of the Commission for enterance exam in the following composition: two members and their deputies upon proposal of the Judicial Council from among the judges, two members and their deputies upon proposal of the Council of Public Prosecutors from among the public prosecutors, one member and his/her deputy from the Association of judges, one member and his/her deputy from the Association of public prosecutors, one member and his/her deputy upon proposal of the Minister of Justice from among the managerial administrative servants in the Ministry of Justice.

(2021): Entry selection procedure is conducting by the Commission for entering exam which is formed by the Management board of the Academy for judges and public prosecutors. Commission is composed by four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Kosovo*

(General Comment): The competent authority is Kosovo Prosecutorial Council

(2024): The recruitment committee established by the Council

(2023): The recruitment committee established by the Council.

(2022): The recruitment committee established by the Council.

Question 114

Montenegro

(General Comment): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Article 86
The public competition for the election of the chief public prosecutor and the public prosecutor is published by the High Prosecutorial Council. The public competition for the election of the chief public prosecutor is published no later than six months before the end of the chief public prosecutor's office, i.e. no later than 15 days from the date of the decision on the termination of the office of the chief public prosecutor due to the termination of the public prosecutor's function, due to the election for the holder of the public prosecutor's function in another public prosecutor's office, termination of office at personal request, termination of office due to the abolition of the public prosecutor's office or due to dismissal from the office of the chief public prosecutor.
The public competition for the election of a public prosecutor is published no later than six months before the termination of the public prosecutor's office due to the completion of his working life, i.e. no later than 15 days after the termination of the public prosecutor's office if the public prosecutor's office was terminated for another reason prescribed by law.
The public competition for the election of the chief public prosecutor and the public prosecutor is published in the "Official Gazette of the Republic of Serbia", a means of public information that covers the territory of the Republic of Serbia and the website of the Supreme Council of Prosecutors.

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
Article 86
The public competition for the election of the chief public prosecutor and the public prosecutor is published by the High Prosecutorial Council. The public competition for the election of the chief public prosecutor is published no later than six months before the end of the chief public prosecutor's office, i.e. no later than 15 days from the date of the decision on the termination of the office of the chief public prosecutor due to the termination of the public prosecutor's function, due to the election for the holder of the public prosecutor's function in another public prosecutor's office, termination of office at personal request, termination of office due to the abolition of the public prosecutor's office or due to dismissal from the office of the chief public prosecutor.
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Article 86
The public competition for the election of the chief public prosecutor and the public prosecutor is published by the High Prosecutorial Council. The public competition for the election of the chief public prosecutor is published no later than six months before the end of the chief public prosecutor's office, i.e. no later than 15 days from the date of the decision on the termination of the office of the chief public prosecutor due to the termination of the public prosecutor's function, due to the election for the holder of the public prosecutor's function in another public prosecutor's office, termination of office at personal request, termination of office due to the abolition of the public prosecutor's office or due to dismissal from the office of the chief public prosecutor.
The public competition for the election of a public prosecutor is published no later than six months before the termination of the public prosecutor's office due to the completion of his working life, i.e. no later than 15 days after the termination of the public prosecutor's office if the public prosecutor's office was terminated for another reason prescribed by law.
The public competition for the election of the chief public prosecutor and the public prosecutor is published in the "Official Gazette of the Republic of Serbia", a means of public information that covers the territory of the Republic of Serbia and the website of the Supreme Council of Prosecutors.

Question 115

Albania
(General Comment): According to Article 29, of the Law “On the status of judges and prosecutors”, as amended, the call for admissions od candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

(2024): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial Council and High Prosecutorial Council, and in at least in one of the newspapers with higher printing in the country.

(2022): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial and High Prosecutorial Council, and in at least in one of the newspapers with higher printing in the country.

(2021): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, the call for admissions od candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

Montenegro

(2024): The criteria are defined by the Law on State Prosecution "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024 and to members, Article 5
articles 57-67, 67a

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Article 86
The public competition for the election of the chief public prosecutor and the public prosecutor is published by the High Prosecutorial Council. The public competition for the election of the chief public prosecutor is published no later than six months before the end of the chief public prosecutor's office, i.e. no later than 15 days from the date of the decision on the termination of the office of the chief public prosecutor due to the termination of the public prosecutor's function, due to the election for the holder of the public prosecutor's function in another public prosecutor's office, termination of office at personal request, termination of office due to the abolition of the public prosecutor's office or due to dismissal from the office of the chief public prosecutor.
The public competition for the election of a public prosecutor is published no later than six months before the termination of the public prosecutor's office due to the completion of his working life, i.e. no later than 15 days after the termination of the public prosecutor's office if the public prosecutor's office was terminated for another reason prescribed by law.
The public competition for the election of the chief public prosecutor and the public prosecutor is published in the "Official Gazette of the Republic of Serbia", a means of public information that covers the territory of the Republic of Serbia and the website of the Supreme Council of Prosecutors.

Kosovo*

(General Comment): The criteria are also specified in the Law on State Prosecutor which is published online

(2024): The criteria are announced as part of the public call and they are also specified in the Law on State Prosecutor which is published online, Article 24. https://gzk.rks-gov.net/ActDetail.aspx?ActID=74943

(2023): The criteria are announced as part of the public call and they are also specified in the Law on State Prosecutor which is published online.

(2022): The criteria are announced as part of the public call and they are also specified in the Law on State Prosecutor which is published online.

Question 116

Albania

(General Comment): According to Article 30/4, of the Law "On the status of judges and prosecutors", as amended, the School of Magistrates, within March of each year publish on its website, the pre-selected list of candidates for prosecutors who fulfil the legal criteria provided in Article 28, of this law.

Bosnia and Herzegovina

(General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

(2019): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Serbia

(General Comment): Yes

Kosovo*

(General Comment): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)
Preliminary selection
1. The Recruitment Commission in support of support staff reviews all applications received. 2. In case of rejection of the application, the candidate is notified individually of the reasons for rejection, to which he has the right to appeal, within three (3) days from the date of notification. 3. The complaint of the candidate is reviewed by the Commission for Review, within five (5) days from the day of expiration of the deadline for appeal. 4. After reviewing the complaint by the Review Committee, the Council, through its official website and e-mail address, notifies the candidate who meets the conditions to undergo the first part of the exam. 5. The announcement contains the list with the name and surname of the candidate, as well as information about the time, date, place, and other data about the organization of the exam.

(2023): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)
Preliminary selection
1. The Recruitment Commission in support of support staff reviews all applications received.
2. In case of rejection of the application, the candidate is notified individually of the reasons for rejection, to which he has the right to appeal, within three (3) days from the date of notification.
3. The complaint of the candidate is reviewed by the Commission for Review, within five (5) days from the day of expiration of the deadline for appeal.
4. After reviewing the complaint by the Review Committee, the Council, through its official website and e-mail address, notifies the candidate who meets the conditions to undergo the first part of the exam.
5. The announcement contains the list with the name and surname of the candidate, as well as information about the time, date, place, and other data about the organization of the exam.

Question 117

Albania

(General Comment): According to Article 30/5, of the Law "On the status of judges and prosecutors", as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law "On the governance institutions of the justice system", as amended. The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law "On Governance Institutions of the Justice System" and in the respective bylaw acts. Law on governance institutions does not provide as specific rule on the appeal of the applicant. Therefore, general rule of appeal are applicable. Hence, the appeal is submitted at the first instance administrative court.

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro

(General Comment): Art. 64 of the Law on State Prosecution Service: "Rights of Applicants
Article 64
In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.
Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."

North Macedonia

(2024): Following the expiry of the application deadline, the Commission for entrance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.

(2023): Following the expiry of the application deadline, the Commission for enterance exam shall, with a decision, reject the untimely and incomplete applications. The applicant shall within two working days as of the receipt of the decision be entitled to lodge a complaint with the Management Board of the Academy. The Management Board shall reach the decision on the complaint within two working days.

Serbia

(General Comment): Yes

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and public prosecutor to the position of public prosecutor
Article 93
Against the decision on the election of the chief public prosecutor and the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court may reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on the election of the chief public prosecutor and the public prosecutor or accept the appeal and annul the decision on the election of the chief public prosecutor and the public prosecutor. The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and public prosecutor to the position of public prosecutor
Article 93
Against the decision on the election of the chief public prosecutor and the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court may reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on the election of the chief public prosecutor and the public prosecutor or accept the appeal and annul the decision on the election of the chief public prosecutor and the public prosecutor.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

Question 118

Albania

(2024): According to Article 30/5, of the Law no. 96/2016 “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended.

(2022): We have checked “judicial academy” in the last version of the answers because the candidates who have taken the entry exam have the right to see/check their exam papers after making a request/complaint, when they do not agree with the result, at the Judicial Academy, in this case the School of Magistrates of Albania. The court option is checked because they can appeal against their results/score of the entry exam in court, if they choose to do so.
According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended.

(2021): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”.

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2024): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro

(General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

(2024): Administrative court

(2023): Administrative court

(2022): Administrative court

(2021): Administrative Court

North Macedonia

(General Comment): Right of appeal
Article 88
(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.
Law on Academy for Judges and Public Prosecutors
II. BODIES OF THE ACADEMY
Article 10
Bodies of the Academy are the Management Board, the director, the deputy director and the Program Council.
Management board
Article 11
(1) The Management Board is the management body of the Academy and consists of 9 members.
(2) Four members and their deputies in the Management Board are proposed by the Judicial Council of Republic of Macedonia and one member each from the ranks of judges from the Supreme Court of The Republic of Macedonia, from the appellate courts, from the basic courts, as well as one member from the Administrative Court or from the Higher Administrative Court.

(2024): The Management Board of the Academy is competent to decide on complaints of applicants.

(2023): The Management Board of the Academy is competend to decide on complaints of aplicants.

(2021): Law on Academy for judges and public prosecutors
Right of appeal
Article 88
(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.
The Management board is not different from the Board of Directors.For the composition on the Commission and the Management board please see comment on Q091.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and public prosecutor to the position of public prosecutor
Article 93
Against the decision on the election of the chief public prosecutor and the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court may reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on the election of the chief public prosecutor and the public prosecutor or accept the appeal and annul the decision on the election of the chief public prosecutor and the public prosecutor.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

(2024): Constitutional Court

(2023): Constitutional Court

(2022): Constitutional Court

Kosovo*
(General Comment): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment
The right on appeal
1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline. The appeal bench is the Kosovo Prosecutorial Council(KPC). All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

(2024): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)
Preliminary selection
1. The Recruitment Commission in support of support staff reviews all applications received. 2. In case of rejection of the application, the candidate is notified individually of the reasons for rejection, to which he has the right to appeal, within three (3) days from the date of notification. 3. The complaint of the candidate is reviewed by the Commission for Review, within five (5) days from the day of expiration of the deadline for appeal. 4. After reviewing the complaint by the Review Committee, the Council, through its official website and e-mail address, notifies the candidate who meets the conditions to undergo the first part of the exam. 5. The announcement contains the list with the name and surname of the candidate, as well as information about the time, date, place, and other data about the organization of the exam.
Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and
reappointment of prosecutors Right to appeal
The candidate, as a dissatisfied party, has the right to appeal, to oppose the process, regarding the violation of the rules, about the organization of the exam and the results of the qualifying test, written test, and oral interview, within three (3) days, from the day of the announcement of the results, on the basis of the notification made according to this Regulation. The complaint of the candidate according to paragraph 1 of this article, is reviewed by the Commission for Review of the Council, within five (5) days, from the day of the end of the complaint. In the event that the Review Committee, after evaluating the complaint, finds that violations of the rules regarding the organization of the qualifying test, written test, and oral interview, as defined by this Regulation, may take a decision to repeat the contested part of the exam. If the Review Committee decides to repeat the relevant part of the exam, the exam is organized within five (5) days, from the decision of the Review Committee. In this case, the Recruitment Commission will draft the new test, the results of which will be taken into consideration when compiling the final exam list. In case the Review Commission finds that technical errors have been made, in the case of calculating the points of the qualifying test, written test, essay and oral interview, while in the case of reviewing the complaint it is confirmed that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council shall compile the final list of the exam, as determined by this Regulation, which shall be published on the official website of the Council. A candidate who files a complaint has the right to access his test before filing a complaint.

(2023): Article 14 of Regulation on recruitment of prosecutors (https://prokuroria-rks.org/assets/cms/uploads/files/Regulation%20on%20the%20Recruitment%20of%20State%20Prosecutors%2Cno.02.2022.pdf)

Preliminary selection

1. The Recruitment Commission in support of support staff reviews all applications received.
2. In case of rejection of the application, the candidate is notified individually of the reasons for rejection, to which he has the right to appeal, within three (3) days from the date of notification.
3. The complaint of the candidate is reviewed by the Commission for Review, within five (5) days from the day of expiration of the deadline for appeal.
4. After reviewing the complaint by the Review Committee, the Council, through its official website and e-mail address, notifies the candidate who meets the conditions to undergo the first part of the exam.
5. The announcement contains the list with the name and surname of the candidate, as well as information about the time, date, place, and other data about the organization of the exam.

Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

Right to appeal

The candidate, as a dissatisfied party, has the right to appeal, to oppose the process, regarding the violation of the rules, about the organization of the exam and the results of the qualifying test, written test, and oral interview, within three (3) days, from the day of the announcement of the results, on the basis of the notification made according to this Regulation.

The complaint of the candidate according to paragraph 1 of this article, is reviewed by the Commission for Review of the Council, within five (5) days, from the day of the end of the complaint. In the event that the Review Committee, after evaluating the complaint, finds that violations of the rules regarding the organization of the qualifying test, written test, and oral interview, as defined by this Regulation, may take a decision to repeat the contested part of the exam.

If the Review Committee decides to repeat the relevant part of the exam, the exam is organized within five (5) days, from the decision of the Review Committee.

In this case, the Recruitment Commission will draft the new test, the results of which will be taken into consideration when compiling the final exam list.

In case the Review Commission finds that technical errors have been made, in the case of calculating the points of the qualifying test, written test, essay and oral interview, while in the case of reviewing the complaint it is confirmed that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam.

After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council shall compile the final list of the exam, as determined by this Regulation,

(2022): Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors Right to appeal

The candidate, as a dissatisfied party, has the right to appeal, to oppose the process, regarding the violation of the rules, about the organization of the exam and the results of the qualifying test, written test, and oral interview, within three (3) days, from the day of the announcement of the results, on the basis of the notification made according to this Regulation. The complaint of the candidate according to paragraph 1 of this article, is reviewed by the Commission for Review of the Council, within five (5) days, from the day of the end of the complaint. In the event that the Review Committee, after evaluating the complaint, finds that violations of the rules regarding the organization of the qualifying test, written test, and oral interview, as defined by this Regulation, may take a decision to repeat the contested part of the exam. If the Review Committee decides to repeat the relevant part of the exam, the exam is organized within five (5) days, from the decision of the Review Committee. In this case, the Recruitment Commission will draft the new test, the results of which will be taken into consideration when compiling the final exam list. In case the Review Commission finds that technical errors have been made, in the case of calculating the points of the qualifying test, written test, essay and oral interview, while in the case of reviewing the complaint it is confirmed that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council shall compile the final list of the exam, as determined by this Regulation, which shall be published on the official website of the Council. A candidate who files a complaint has the right to access his test before filing a complaint.

(2021): Article 25 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline.
3. In case that Review Committee following the review of the appeal finds that there were violation of rules regarding the organizing of the qualification test, written test and interview, as set by this Regulation, the named Committee may decide to repeat the respective part of the Exam for the respective candidate.
4. If the Review Committee decides to repeat the respective part of the exam, then the exam shall be organized within five (5) days from the decision brought by the Review Committee. In this case, the remained group of the exam from the process of its drafting shall be used, whereas the results of the remained part of the exam shall be taken in consideration when drafting the final exam list.
5. If the Review Committee finds that there made technical errors when calculating scores of the qualification test, written test and interview, and when reviewing the appeal is proved that the candidate is listed in the group of the candidates that have passed respective part of the Exam, then that candidate shall be included in the list of the candidates that have passed that part of the exam.
6. Following the review of the appals for qualification test, written test and interview, KPC shall publish the list, as set by Articles 15.2, 20.2, 24.4 and 24.5 of this Regulation, and the respective shall be considered the Final Exam List.

Question 119

Albania

(General Comment): Article 28, of the Law on the status of judges and prosecutors provides for the following selection criteria applicable to both judges and prosecutors:
All persons are entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, as long as they fulfil simultaneously the following criteria:
a) Have full capacity to act;
b) Be an Albanian citizen;
c) Have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of "Master of Science" and have passed the state exam for jurists in Albania, or have graduated in law with the minimum points set out by the School of Magistrates in a European Union Member State and have been awarded an equivalent diploma, recognised under the rules for recognition of diplomas provided by law;
ç) Have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
d) Have never been criminally convicted by a final decision;
dh) Have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction;
e) Not to be a member of political parties at the time of application;
ë) Have not been a member, collaborator or favoured by the State Security before 1990;
f) Have not been a collaborator, informant, or agent of any secret service.
Except the fulfilment of the legal criteria provided in Article 28, of the Law "On the status of judges and prosecutors", as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law "On the status of judges and prosecutors", as amended).
Lastly, as provided in article 32 of the status law, a student at the School of Magistrates can be appointed as a judge or a prosecutor if it fulfills the following criteria:
a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

(2024): According to Article 28, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, (above mentioned in Q.112), the candidates for prosecutors who successfully pass the entry exam of the School of Magistrates, undergo a process for verification of the integrity and assets as an additional criterion before they are accepted at the School of Magistrates. Negative results from this verification result in rejection of the candidate. The verification process is carried out from High Judicial /Prosecutorial Council (Article 32, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended).

(2022): The focus of the question, regarding the selection criteria of judges/prosecutors, is after the entry exam. After the entry exam, the selection is made only on the basis of the results/score they received in the exam. The criteria of work performance and experience are applied in the pre-selection phase of the candidates who apply to be registered to take the entry exam. Except the fulfilment of the legal criteria provided in Article 28, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates. The verification process is carried out from High Judicial /Prosecutorial Council (Article 32, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended).

(2021): Except the fulfilment of the legal criteria provided in Article 28, of the Law "On the status of judges and prosecutors", the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law "On the status of judges and prosecutors in the Republic of Albania")

Bosnia and Herzegovina

(General Comment): The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

(2024): The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

(2019): Other: The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Montenegro

(General Comment): That the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution).

North Macedonia

(General Comment): Law on the Public Prosecutors Council
Election of a public prosecutor in the basic public prosecution offices
Article 37
(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement, after a year of completion of the training.
(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and Public Prosecutors.

(2024): To pass the final exam on the initial training within the Academy for judges and public prosecutors.

(2023): To pass te final exam on the initial training within the Academy for judges and public prosecutors.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
Obtaining data and opinions Article 88
The High Prosecutorial Council obtains data and opinions on the expertise, competence, and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's file, and the opinion of the collegium of the public prosecutor's office where the candidate worked must be obtained.
For candidates from the ranks of chief public prosecutors and public prosecutors, the grade obtained in the work evaluation procedure is taken into account.
During the selection of candidates from the ranks of the chief public prosecutor and the public prosecutor, other activities of importance for the performance of the public prosecutor's office may be taken into account.
For a candidate who works as a public prosecutor's assistant, a performance evaluation must be obtained.
For a candidate who has not previously worked as a public prosecutor, the High Prosecutorial Council will especially value the type of work he/she performed after passing the bar exam.
Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on his election.

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ON THE PUBLIC PROSECUTOR'S OFFICE
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For a candidate who works as a public prosecutor's assistant, a performance evaluation must be obtained.
For a candidate who has not previously worked as a public prosecutor, the High Prosecutorial Council will especially value the type of work he/she performed after passing the bar exam.
Before the election, the candidate has the right to inspect the entire documentation and opinions that are the basis for the decision on his election.

Kosovo*

(General Comment): NA

(2024): Article 28 of Regulation no.02/2022 on the recruitment, examination, appointment and
reappointment of prosecutors Preliminary results of the exam 1.The final result for the success of a candidate is calculated on the basis of the accumulation of points achieved in the qualifying test, written test, and oral interview. 2. After the completion of the evaluation process, the points are collected, the results are verified and the final list is prepared in order to announce the exam results. 3. The final results of the candidates who have successfully passed the exam are published on the official website of the Council. The notice for this will contain the name, surname and number of points achieved by the candidate, in the qualifying test, written test, essay, oral interview and total points. 4. A candidate is considered to have not successfully passed the prosecutor's exam, if he fails to obtain at least (55) points, from the final score of one hundred (100) points, as many as are possible, in the entire recruitment process. 5. The Recruitment Commission compiles the list of candidates, according to the points obtained in the exam. Candidates are ranked according to the highest score obtained in the qualifying test, written test, essay and oral interview. The ranking of successful candidates in the list ends with the number of candidates determined by announcement (competition) by the Council. The Chairman of the Recruitment Commission sends the list of successful candidates to the Council, after reviewing any complaints by the Review Commission.

(2023): NA

(2021): Article 24 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and reappointment
Final Exam Results
1. Final results regarding the success of the candidate are calculated based on the scores obtained in the written test, interview and evaluation of personal integrity and professional skills.
2. The exam is considered to be passed by those candidates who have obtained the highest results, which namely also corresponds to the number of the candidates set in the vacancy announcement by KPC. The criterion for the respective is that they have scored at least sixty (60) points in the written test, interview and evaluation of the personal integrity and professional skills.
3. When evaluating exam results, Recruitment Committee may evaluate the candidate by grading with minimum one (1) point up to the maximum scores set by this Regulation.
4. Final Exam List is considered to be the published list following the final Decision brought by the Review Committee regarding the appeals of the candidates, as set by Article 25 of this Regulation.
5. Final candidates` results that have successfully passed the exam shall be published on the KPC and SP website. Announcement shall contain name, last name and scores obtained by the candidate in the written test and interview.

Question 120

Albania

(General Comment): According to Article 32/2, of the "On the status of judges and prosecutors", as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realised from the High Prosecutorial Council who requests reporting from the competent institutions for the verification of integrity and assets and any other exceptional cause, from the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax and customs administration bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body that has supervised the discipline in the previous employment relations of the candidates.

(2023): According to Article 32/2, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realized and finalised from the High Prosecutorial Council. Before the decision, High Prosecutorial Council requests reports from the other national competent institutions for the verification of integrity and assets and any other exceptional cause, such as the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax and customs bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body.

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.
All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

North Macedonia

(2024): Commission for final exam within Academy.

(2023): Commission for final exam within Academy.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
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(2023): THE LAW
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The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

(2021): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.
3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses: - procedure of proposing candidates for the first election of deputy public prosecutors,
- election procedure of deputy public prosecutors,procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors,
- election procedure for the permanent position of deputy public prosecutors elected for the first time.
The election procedure is composed of:
- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,
- inspection of the completeness of the application,
- determination of qualification, competence and worthiness,
- interviewing the candidates,
- drafting the rank list,
- objection to the rank list,
- the Council deciding upon the objection to the rank list,
- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,
- form and content of the decision on election of deputy public prosecutors,
- form and content of the decision on proposal of the candidates for election of the Republic Public Prosecutor and public prosecutors,
- special rules on election to the permanent position of deputy public prosecutors elected for the first time,
- form and content of the decision on election to the permanent position of deputy public prosecutors elected for the first time, - submitting the decision on the election.

Kosovo*
(General Comment): NA

(2024): The recruitment committee established by the Council.

Question 121

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by its competent sub-council .
The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the
Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.
All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by the competent its sub-council .

North Macedonia

(2021): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed) candidates.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
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(2021): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

Kosovo*

(General Comment): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the reports of these 2 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who decrees the new prosecutors

(2024): Kosovo Prosecutorial Council establishes the recruitment committee which is responsible for all the procedures of the recruitment process of prosecutors. KPC establishes the review committee which is responsible for the review of appeals of candidates. Based on the reports of these 2 committees, KPC decides on the final list of the most successful candidates which list is then sent to the Office of the President of the Republic of Kosovo for decree, where the final official appointment for the position of state prosecutor is done.
Article 34 of the Regulation Selection of the most successful candidate
1. The appointment and systematization of the candidate for prosecutors in the basic prosecution offices is done by the Council, upon the proposal of the Recruitment Commission.
2. Only 1/5 of the candidates, who are ranked as the best, in the final list of the exam, have the right to choose the prosecution office where they will be appointed.
3. Regardless the right of the candidate determined according to paragraph 2 of this article, the right of the Council to appoint a prosecutor in a prosecution office, taking into account the needs of the prosecution.
4. The Chairman of the Recruitment Commission sends to the Council, the final list of candidates including the information from paragraph 2 of this article.

(2023): Kosovo Prosecutorial Council establishes the recruitment committee which is responsible for all the procedures of the recruitment process of prosecutors. KPC establishes the review committee which is responsible for the review of appeals of candidates. Based on the reports of these 2 committees, KPC decides on the final list of the most successful candidates which list is then sent to the Office of the President of the Republic of Kosovo for decree, where the final official appointment for the position of state prosecutor is done.
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2. Only 1/5 of the candidates, who are ranked as the best, in the final list of the exam, have the right to choose the prosecution office where they will be appointed.
3. Regardless the right of the candidate determined according to paragraph 2 of this article, the right of the Council to appoint a prosecutor in a prosecution office, taking into account the needs of the prosecution.
4. The Chairman of the Recruitment Commission sends to the Council, the final list of candidates including the information from paragraph 2 of this article.

(2022): Kosovo Prosecutorial Council establishes the recruitment committee which is responsible for all the procedures of the recruitment process of prosecutors. KPC establishes the review committee which is responsible for the review of appeals of candidates. Based on the reports of these 2 committees, KPC decides on the final list of the most successful candidates which list is then sent to the Office of the President of the Republic of Kosovo for decree, where the final official appointment for the position of state prosecutor is done.

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Question 121-1

Albania

(General Comment): As answered in the Questionnaire, in principle, the High Prosecutorial Council on the final appointment procedure has a right to appoint some and reject some among the selected (proposed) candidates. According the article 35, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, a graduate in the Judicial Academy, to be appointed as magistrate should fulfill these three criteria:
a) be graduated in the Initial Forming Program of Judicial Academy with at least 70 % of the total possible points;
b) is evaluated at least "good" on all the duties assigned during dhe professional experience in the third year of Initial Forming;
c) pass again the verification of integrity and assets realized from the Council, in accordance with this law. Also, a graduate in the Judicial Academy, may ask for justified reasons, to be appointed in the following year.
Within a month after the publication of the list of graduates, the Council may:
a) appoint as magistrate each person in the graduated list who fulfil the appointment criteria or refuse to appoint each person who is in the graduated list but doesn't fulfil the appointment criteria b) allow the candidate who fulfill the appointment criteria to be appointed the following year.

Bosnia and Herzegovina

(General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, read as follows:
Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b
(Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Montenegro

(General Comment): State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.
The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, candidate for state prosecutor exercises in order from the Ranking list from art. 62 of this Law.
The Prosecutorial Council shall make a decision on deployment to the basic prosecution office of elected state prosecutors based on the right to of candidate the election referred to in para. 2 above. (Law on State Prosecution Service)

(2024): The Prosecutor's Council selects and appoints candidates for state prosecutors

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)IV SELECTION
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The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.C.

Kosovo*

(General Comment): Article 23 of Law on KPC
Appointment and re-appointment of prosecutors
1.The President appoints and reappoints prosecutors based on the Council’s proposals.
2.Within 60 days after the receipt of the proposal, the President shall issue a decree on the appointment as prosecutor of the candidate proposed by the Council. If within this deadline the President does not appoint the prosecutor, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the prosecutor upon the proposal of the Council.

(2024): Article 23 of Law on KPC
Appointment and re-appointment of prosecutors
1.The President appoints and reappoints prosecutors based on the Council's proposals.
2.Within 60 days after the receipt of the proposal, the President shall issue a decree on the appointment as prosecutor of the candidate proposed by the Council. If within this deadline the President does not appoint the prosecutor, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the prosecutor upon the proposal of the Council.
Article 35 of the Regulation
Proposal for decree of the prosecutor
1. The Council, by a simple majority of votes, decides on the proposal of a candidate for appointment as prosecutors to the President of the Republic of Kosovo.
2. In the event that the Council does not propose a candidate for appointment as a prosecutor to the President of the Republic of Kosovo, issue a reasoned decision in writing regarding the reasons for his rejection.

(2023): Article 23 of Law on KPC
Appointment and re-appointment of prosecutors
1.The President appoints and reappoints prosecutors based on the Council's proposals.
2.Within 60 days after the receipt of the proposal, the President shall issue a decree on the appointment as prosecutor of the candidate proposed by the Council. If within this deadline the President does not appoint the prosecutor, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the prosecutor upon the proposal of the Council.
Article 35 of the Regulation
Proposal for decree of the prosecutor
1. The Council, by a simple majority of votes, decides on the proposal of a candidate for appointment as prosecutors to the President of the Republic of Kosovo.
2. In the event that the Council does not propose a candidate for appointment as a prosecutor to the President of the Republic of Kosovo, issue a reasoned decision in writing regarding the reasons for his rejection.

Question 122

Serbia
(General Comment): Yes.

Kosovo*

(General Comment): Candidates can appeal during all phases of the selection and recruitment process, however they can not appeal the decree of the President.

Question 123

Albania

(General Comment): According to article 192/1, of the Law “On the governance institutions of justice system”, as amended, for the individual administrative acts of the Council such as a refusal to appoint a graduate as a prosecutor an appeal may be submitted in the Administrative Court of Appeal within 15 days from the notice.

Bosnia and Herzegovina

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro

(General Comment): The candidate has the right to file an action with the Administrative Court.

(2023): Administrative court

(2022): Administrative court

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and public prosecutor to the position of public prosecutor
Article 93
Against the decision on the election of the chief public prosecutor and the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to make a decision on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.
The Constitutional Court may reject the appeal from paragraph 1 of this article as unfounded and confirm the decision on the election of the chief public prosecutor and the public prosecutor or accept the appeal and annul the decision on the election of the chief public prosecutor and the public prosecutor.
The decision from paragraph 2 of this article with an explanation is published in the "Official Gazette of the Republic of Serbia".

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and the public prosecutor to the position of public prosecutor
Article 93.
Against the decision on the election of the chief public prosecutor and the public prosecutor to the position of the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The right to appeal to the Constitutional Court against the decision on the election of the chief public prosecutor and the public prosecutor to the position of public prosecutor
Article 93.
Against the decision on the election of the chief public prosecutor and the public prosecutor to the position of the public prosecutor, the candidate can appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 15 days from the date of publication of the decision in the "Official Gazette of the Republic of Serbia".
The Constitutional Court is obliged to decide on the appeal referred to in paragraph 1 of this article within 30 days from the expiry of the deadline for filing an appeal.

(2022): Non-selected candidates may file Constitutional Appeal to the Constitutional Court.
The decision of the Constitutional Court is final.

Kosovo*
(General Comment): Non selected candidates have the right to appeal to the Basic Court.

Question 124

Albania
(2021): According to Articles 32 and 35/1, of the Law "On the status of judges and prosecutors", as amended, the High Prosecutorial Council carries out the process of verifying the integrity of the candidates who passed successfully the entry exam before they are accepted in the initial formation programme at the School of Magistrates and of the graduated students in the School of Magistrates before they are nominated magistrate and appointed in the position of a prosecutor.
The audit includes reporting by the institutions responsible for verifying the integrity such as the prosecution, state intelligence services, and any disciplinary body that has overseen discipline in the candidate's previous employment relations (above mentioned).

Bosnia and Herzegovina
(General Comment): Through the check of disciplinary proceedings and sanctions:
In the competition procedure for the post of a judge or a prosecutor information is checked whether disciplinary proceedings are being conducted against the candidate, whether a final disciplinary measure has been imposed to the candidate, meaning whether the candidate has been convicted. The said information impact the decision whether the candidate will be invited to an interview, meaning whether or not they will further participate in the competition procedure. If a disciplinary measure is imposed to the candidate in a certain time period, depending on the measure, they cannot participate in the competition procedure. Through an integrity assessment test:
The candidate's ability to responsibly, independently and impartially hold the office they applied for, professional impartiality and reputation and conduct outside the job is one of the criteria examined in the interview with the candidate by asking suitable questions.

(2022): The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

(2021): The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

Montenegro

(2021): The verification is carried out by examining the documentation submitted by the candidate who applied to the advertisement and the documentation obtained ex officio in accordance with applicable legal regulations.

North Macedonia

(2022): Integrity test is part of the entering exam on the Academy for judges and Public Prosecutors.

(2021): The integrity is not checked in the process of election on the candidate for prosecutors. Only there is integrity test as a part of the entering exam on the Academy for judges and pubic prosecutors for election on the initial training participants.

Serbia

(General Comment): Article 83 THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Other conditions for selection to the position of public prosecutor are expertise, competence, and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies moral qualities that the holder of the office of public prosecutor should possess and represent by those qualities. Moral qualities are: respect, correctness, correctness, durability and exemplary behavior, and behavior by these qualities implies preserving the appearance of the public prosecutor in and outside the service, awareness of independence, belonging to the state, and the responsibility of the staff in and outside the service and taking responsibility for internal organization and a positive image of the public prosecutor's office in the public.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
General conditions for selection
Article 81.
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Law on civil servants
Article 45.
An adult citizen of the Republic of Serbia who has the prescribed professional qualification and meets the other conditions determined by the law, other regulations, and the rulebook on the internal organization and systematization of workplaces in the state body can be employed as a civil servant, if his employment in the state body has not been terminated before due to breach of duty from the employment relationship and has not been sentenced to a prison sentence of at least six months.
Obtaining data and opinions
Article 88
The High Council of the Prosecutor's Office obtains data and opinions on the expertise, competence and worthiness of candidates.
Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's personal file, and the opinion of the collegium of the public prosecutor's office

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For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's personal file, and the opinion of the collegium of the public prosecutor's office where the candidate worked must be obtained.
For candidates from the ranks of chief public prosecutors and public prosecutors, the grade obtained in the work evaluation procedure is taken into account.
During the selection of candidates from the ranks of the chief public prosecutor and the public prosecutor, other activities of importance for the performance of the public prosecutor's office may be taken into account.
For a candidate who works as a public prosecutor's assistant, a performance evaluation must be obtained.
For a candidate who has not previously worked as a public prosecutor, the High Council of Prosecutions will especially value the type of work he/she performed after passing the bar exam.

(2023): Article 83 THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
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Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies moral qualities that the holder of the office of public prosecutor should possess and represent by those qualities. Moral qualities are: respect, correctness, correctness, durability and exemplary behavior, and behavior by these qualities implies preserving the appearance of the public prosecutor in and outside the service, awareness of independence, belonging to the state, and the responsibility of the staff in and outside the service and taking responsibility for internal organization and a positive image of the public prosecutor's office in the public.
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Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.
For a candidate who worked in the public prosecutor's office, data is obtained from the candidate's personal file, and the opinion of the collegium of the public prosecutor's office

Kosovo*

(General Comment): The Kosovo Prosecutorial Council, based on the Constitution and applicable law, develops and implements procedures for the recruitment and nomination of state prosecutors.
All candidates for prosecutors who have passed the relevant tests are part of the process of assessment of personal integrity and professional skills that includes verification of information provided by candidates and any other relevant information such as: work experience and performance, professional and academic documents, information regarding disciplinary measures, extrajudicial behaviour and criminal past.
This process is conducted in accordance with legal provisions that protect human rights and freedoms as well as in order to provide information relevant to the disclosure of personality, professionalism and personal experience of candidates.
Candidates have the right to be informed and to view all documentation collected prior to the interview.

(2024): Verification of integrity of prosecutors is done based on article 20 paragraph 5 of Law on Kosovo Prosecutorial Council and article 25 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors
The procedure for assessment of the compatibility of the candidate in order to become part of the prosecution office shall be done through the verification of the data submitted by the candidate, data from the relevant public registries for assessment, including the standard verification of registries for the criminal past.
1. All candidates who have met the conditions to undergo the interview are subject to the procedure of personal and professional integrity verification.
2. Under the authority of the Council and the supervision of the Recruitment Committee, the support staff is responsible for the collection and collection of the necessary data, which will serve the committee to verify and evaluate the personal and professional integrity of the candidate, respecting the international standards and applicable laws in force.
3. Candidates are notified that they have the right to see the documents collected in their file, no earlier than five (5) days and no later than ten (10) days, before the oral interview, except when such a thing is not allowed by the laws in force.
4. The procedure for assessing personal integrity and professional skills is included as part of the oral interview, in which candidates can be asked about issues related to their personal and professional integrity, being given the opportunity to confirm, complete or contradict evaluation based on the verification of documents and information requested and collected.

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professional integrity, being given the opportunity to confirm, complete or contradict evaluation based on the verification of documents and information requested and collected.

(2022): The Kosovo Prosecutorial Council, based on the Constitution and applicable law, develops and implements procedures for the recruitment and nomination of state prosecutors.
All candidates for prosecutors who have passed the relevant tests are part of the process of assessment of personal integrity and professional skills that includes verification of information provided by candidates and any other relevant information such as: work experience and performance, professional and academic documents, information regarding disciplinary measures, extrajudicial behaviour and criminal past.
This process is conducted in accordance with legal provisions that protect human rights and freedoms as well as in order to provide information relevant to the disclosure of personality, professionalism and personal experience of candidates.
Candidates have the right to be informed and to view all documentation collected prior to the interview.
Article 25 of Regulation no.02/2022 on the recruitment, examination, appointment and
reappointment of prosecutors
“The process of verifying the personal and professional integrity of the candidate”

Question 125

Albania

(General Comment): According to the Law “On the status of judges and prosecutors”, as amended, the prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;
- dismissal; - when is established the fact of inability to perform the duty.
According to Article 64/1, the Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutor’s mandate may terminate also in cases when: the prosecutor has resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty. By the request of the prosecutor, the Council may postpone compulsory retirement age until 70 years old.

(2023): According to Article 64/1, the Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutors mandate may terminate also in cases when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension, according to the provisions of this law; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty.

(2022): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutors mandate may terminate also in cases when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension, according to the provisions of this law; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty.

(2021): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, the prosecutors mandate may terminate also when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; dismissal; when is established the fact of inability to perform the duty.

Bosnia and Herzegovina

(General Comment): Pursuant to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the mandatory retirement
age for prosecutors is age seventy (70). According to the Law, the disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A prosecutor is entitled to resign from office. He/she can be removed from office if it has been proven by the
medical documentation that he/she has permanently lost the working capacity to perform his/her judicial or prosecutorial function.

Montenegro

(General Comment): The function of the state prosecutor is permanent. Exceptionally, a person elected for the first time as a state prosecutor is elected for a term of 4 years.
The Supreme State Prosecutor and the heads of state prosecutor's offices are elected for a term of five years.
The head of the state prosecutor's office and the state prosecutor shall be relieved of his / her duties if he / she is sentenced to unconditional imprisonment by a final judgment.
Dismissal shall be pronounced for the most serious disciplinary offenses: 1) if he / she is convicted of 2) if he performs the prosecutorial function unprofessionally and unscrupulously.
The function of the State Prosecutor shall cease: 1) upon the expiration of the mandate; 2) resignation; 3) fulfilling the conditions for old-age pension; 4) termination of citizenship.
The position of the head of the State Prosecutor's Office shall cease when: 1) the term for which he was elected expires; 2) his prosecutorial function ceases; 3) request it himself or in the case of abolition or merger of state prosecutor's offices. ,

North Macedonia

(General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia.

(2024): With the amendments to the Labor Law from February 2025, there is a possibility for public prosecutors to prolong their retirement until 67.

(2022): The official compulsory age of retirement is 64 years (see general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Article 101.
The working life of a public prosecutor ends when the public prosecutor reaches the age of 65, except the public prosecutor of the Supreme Public Prosecutor's Office, who can perform the function of a public prosecutor until the age of 67.
Duration of the public prosecutor's office
Article 61
The public prosecutor function of the public prosecutor is permanent and ends for the reasons prescribed by the Constitution and this law.

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023) Article 101.
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Duration of the public prosecutor's office
Article 61
The public prosecutor function of the public prosecutor is permanent and ends for the reasons prescribed by the Constitution and this law.

Kosovo*

(2024): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
Also according to Article 27 of Law on state prosecutor, the mandate of the prosecutor ends in the following ways:
1.1. with resignation;
1.2. Dismissal;
1.3. death;
1.4. upon reaching retirement age;
1.5. not reappointed for a permanent term after the probation period or initial mandate

(2023): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
Also according to Article 27 of Law on state prosecutor, the mandate of the prosecutor ends in the following ways:
1.1. with resignation;
1.2. Dismissal;
1.3. death;
1.4. upon reaching retirement age;
1.5. not reappointed for a permanent term after the probation period or initial mandate.

(2022): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
The prosecutor's mandate ends upon:
1.1. resignation;
1.2. dismissal;
1.3. death;
1.4. retirement;
1.5. the loss of working ability due to proved medical reasons, and
1.6. if not re-appointment with a permanent mandate

(2021): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.
The prosecutor's mandate ends upon:
1.1. resignation;
1.2. dismissal;
1.3. death;
1.4. retirement;
1.5. the loss of working ability due to proved medical reasons, and
1.6. if not re-appointment with a permanent mandate

Question 126

Montenegro
(2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

Serbia
(General Comment): No.

Question 127

Montenegro
(General Comment): Prosecutorial Council

(2024): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

(2023): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

(2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

Kosovo*

(General Comment): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment
Reappointment of State Prosecutors
1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
2.The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
3.KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.
4.Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
5.KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

(2024): Article 37 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors
Reappointment of State Prosecutors
1. The Commission for Performance Evaluation submits to the KPK the recommendation for the evaluation of the performance of the prosecutors for the initial mandate, the reasoned recommendation for the reappointment or not of a prosecutor. 2. KPC decides on the reappointment or not of the prosecutor within forty five (45) days after receiving the proposal from the Commission for Performance Evaluation, in accordance with the criteria and procedures set by applicable law. 3. The Council sends the name of the prosecutor proposed for reappointment with a permanent mandate to the President of the Republic of Kosovo, fifteen (15) days at the latest, before the expiration of the initial mandate. 4. The KPC notifies the prosecutor about the reappointment process through a reasoned written decision 5. Before submitting the proposals for reappointment, the KPC requests the opinion of the relevant prosecution in which the candidate has been proposed for reappointment. 6. KPC submits the proposal for reappointment of the respective prosecutor to the President of the Republic.

(2023): Article 37 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

Reappointment of State Prosecutors

1. The Commission for Performance Evaluation submits to the KPK the recommendation for the evaluation of the performance of the prosecutors for the initial mandate, the reasoned recommendation for the reappointment or not of a prosecutor.
2. KPC decides on the reappointment or not of the prosecutor within forty five (45) days after receiving the proposal from the Commission for Performance Evaluation, in accordance with the criteria and procedures set by applicable law.
3. The Council sends the name of the prosecutor proposed for reappointment with a permanent mandate to the President of the Republic of Kosovo, fifteen (15) days at the latest, before the expiration of the initial mandate.
4. The KPC notifies the prosecutor about the reappointment process through a reasoned written decision
5. Before submitting the proposals for reappointment, the KPC requests the opinion of the relevant prosecution in which the candidate has been proposed for reappointment.
6. KPC submits the proposal for reappointment of the respective prosecutor to the President of the Republic.

(2022): Article 37 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

Reappointment of State Prosecutors

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Reappointment of State Prosecutors
1. The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
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3. KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.
4. Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
5. KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

Question 128

Montenegro
(General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Serbia
(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Appeal to the Constitutional Court, which excludes the right to file a constitutional appeal
Article 108.
Against the decision of the National Assembly, i.e. the High Prosecutorial Council on the termination of the public prosecutor's office, the Supreme Public Prosecutor, the Chief Public Prosecutor, or the Public Prosecutor may appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal to the Constitutional Court or accept the appeal to the Constitutional Court and annul the decision on the termination of the public prosecutor's office.
The decision of the Constitutional Court is final and is published in the "Official Gazette of the Republic of Serbia".

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)
Appeal to the Constitutional Court, which excludes the right to file a constitutional appeal Article 108.
Against the decision of the National Assembly, i.e. the High Prosecutorial Council on the termination of the public prosecutor's office, the Supreme Public Prosecutor, the Chief Public Prosecutor, or the Public Prosecutor may appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal to the Constitutional Court or accept the appeal to the Constitutional Court and annul the decision on the termination of the public prosecutor's office. The decision of the Constitutional Court is final and is published in the "Official Gazette of the Republic of Serbia".

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Appeal to the Constitutional Court, which excludes the right to file a constitutional appeal
Article 108.
Against the decision of the National Assembly, i.e. the High Prosecutorial Council on the termination of the public prosecutor's office, the Supreme Public Prosecutor, the Chief Public Prosecutor, or the Public Prosecutor may appeal to the Constitutional Court, which excludes the right to file a constitutional appeal, within 30 days from the date of delivery of the decision.
By its decision, the Constitutional Court can reject the appeal to the Constitutional Court or accept the appeal to the Constitutional Court and annul the decision on the termination of the public prosecutor's office.
The decision of the Constitutional Court is final and is published in the "Official Gazette of the Republic of Serbia".

(2022): The Appeal to the Constitutional Court may be filed.

Question 132

Serbia
(General Comment): High Judicial Concil.

Kosovo*

(General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level,job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are be informed personally in a reasoned writing notice and they are given an opportunity to submit a request for reconsideration of his/her application within a deadline of five days. This is followed by the collection of information and interview. After the interview, the panel drafts and signs the final ranking table of candidates and notifies all candidates in writing regarding their results. Unsatisfied candidates have the right to submit a request for reconsideration within five working days after receiving the notice.

Question 133

Albania

(General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.
- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:
a) Firstly, two previous evaluations, taking into consideration that:
i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
c) Thirdly, if after the evaluation made under letter “b” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.
The Councils shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article.

(2024): only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.

(2019): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.

Montenegro

(General Comment): On the basis of article 72-75 of the Law on Judicial Council and judges
Promotion of Judges Conditions for Promotion Article 72
The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.
A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.
Public Announcement
Article 73
In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate
Court and the Supreme Court, in accordance with the Plan of Vacancies.
The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.
Criteria for the Judge Who Is Promoted
Article 74
The criteria for the appointment of the judge who is promoted shall be:
1) Work appraisal of the judge or public prosecutor;
2) Evaluation of the interview with the candidate.
Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview. Decision on Appointment
Article 75
The Judicial Council shall conduct an interview with the applicants.
A ranking list shall be prepared on the basis of the work appraisal and interview evaluation referred to in Article 74 of the present Law. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on the basis of work appraisal, and if candidates have scored the same number of points on these grounds, preference shall be given to the candidate who is a member of a minority or other minority ethnic community.
If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.

(2024): On the basis of article 72-75 of the Law on Judicial Council and judges
Promotion of Judges Conditions for Promotion Article 72
The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.
A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.Public Announcement
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In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate
Court and the Supreme Court, in accordance with the Plan of Vacancies.
The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.
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The criteria for the appointment of the judge who is promoted shall be:
1) Work appraisal of the judge or public prosecutor;
2) Evaluation of the interview with the candidate.
Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview. Decision on Appointment
Article 75
The Judicial Council shall conduct an interview with the applicants.
A ranking list shall be prepared on the basis of the work appraisal and interview evaluation referred to in Article 74 of the present Law. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on the basis of work appraisal, and if candidates have scored the same number of points on these grounds, preference shall be given to the candidate who is a member of a minority or other minority ethnic community.
If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.
The procedure of conducting the interview shall be governed by Article 49 of the present Law.

North Macedonia

(General Comment): Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(…)

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council. (5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his decision regarding the selection of a judge. (4) The Council shall be obliged to inform every candidate about the decision on selection of a judge in writing. (5) The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

(2021): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council
Criteria for the election of a judge of a higher court Article 48
(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge’s position.
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

Serbia

(General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

(2024): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents. Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

(2023): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.

Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.

The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.

Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

(2021): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.
Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Work of all judges and presidents of the courts is subject to regular evaluation. Performance evaluation involves all aspects of a judge's work and/or work of a president of the court, and represents the basis for the election, mandatory training of judges, and dismissal.
Evaluation is conducted based on publicised, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated. The criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are pursuant to the Law on Judges, Law on High Judicial Council and Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016), which is being applied as of 1st July 2015.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC’s Rules of Procedure) and published in the Official Gazette.

Kosovo*

(2024): Upon the announcement of the call by the KJC, an ad hoc panel is established by the Council, responsible for reviewing applications, conducting interviews, evaluating candidates, and recommending judges for promotion to the Council.

(2021): Kosovo Judicial Council, in accordance with Article 108 of the Constitution of the Republic of Kosovo, Law on the Kosovo Judicial Council No. 06 / L-55, Law on Courts No. 06 / L-054, Regulation (01/2014) on the procedure of promotion of judges (amended and supplemented), Article 5 of the Annex to the Regulation on Internal Organization of KJC conducts the promotion procedure.

Question 134

Albania

(General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:
a) Firstly, two previous performance evaluations, taking into consideration that:
i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.
The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:
a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) Very good': in case of an above average
ethical and professional performance c) 'Good': in case of an average ethical and professional performance; ç) 'Acceptable': in case of a below average ethical and professional performance; d) 'Incapable': in case of a poor ethical and/or professional performance. Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

(2024): Since the very beginning, in addition to the legal provisions foreseen in the Law Status for the promotion procedure, the HJC has fully implemented the recommendation of the Venice Commission. All judges promoted to higher courts have successfully passed the vetting process with a final decision. This precondition is mandatory for all candidates to be firstly considered for promotions. Additionally, candidates must undergo 2 consecutive evaluations to be eligible in a promotion procedure. The evaluation process assesses the professional and organizational skills of candidates, as well as their ethics and professional commitment, based on a new scheme adopted by the Council. Only applicants who have no disciplinary sanction in force, shall be allowed to participate further in a promotion procedure.

Bosnia and Herzegovina

(General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

(2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

Montenegro

(General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate.

(2023): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate

(2022): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate

North Macedonia

(General Comment): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows: 1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council Criteria for the election of a judge of a higher court Article 48
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria: 1) expert knowledge and specialization in the field and participation in continuous training; 2) positive evaluation of his work 3) capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions 4) undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases; 5) undertaking additional work when performing judicial office by means of mentorship, education, and alike; 6)length of judicial service.

Serbia

(General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court, shall obtain the opinion of the Session of all judges of the court from which the judge has come, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate participation in the training for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentations in national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the other or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

(2024): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

(2023): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

(2021): The criteria and standard in the proces of election of judges to another or higher court are prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents (Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behavior in accordance with those qualities. Worthiness of candidates shall be assumed.

Kosovo*

(General Comment): These criteria are specified in the Law on courts

(2021): Quantitative criteria (performance) relates to the number of cases solved.

Question 135

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Serbia

(General Comment): Yes.

Question 136

Albania

(General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court. The competent court is Tirana Administrative First Instance Court

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

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Montenegro

(General Comment): Administrative Court

North Macedonia

(General Comment): Appeal Council in the Supreme court.
The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.
The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan. This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Serbia

(General Comment): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

(2024): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

(2023): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

(2022): The judge can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.

(2021): Administrative court – An administrative dispute shall be initiated by a lawsuit.

Kosovo*

(General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court
(usually the head of Supreme & Appellate court).

(2024): The ad hoc commission, established by the Council, is responsible for reviewing candidates' appeals against the Panel's decisions.

Question 137

Montenegro

(General Comment): Prosecutorial Council

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICEIV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE("Official Gazette of RS", No. 10/2023)
IV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
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(2023): THE LAW
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The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Kosovo*
(2024): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

(2023): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

(2022): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Question 138

Albania

(General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
The High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 303, dated 19.09.2023, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
1. The Special Commission conducts an initial evaluation of all candidates to determine whether they meet the legal requirements for promotion to office as a Prosecutor in the Special Prosecutor's Office or as head of this prosecutor's office.
2. The Special Commission proposes to the Council the qualification of candidates who meet the legal requirements.
3. The High Prosecutorial Council qualifies candidates who meet the legal requirements and announces the official list of candidates.

(2022): The specific comment made in this cycle for Q138, is different from the general comment, anyway The GENERAL comment is still valid. Also, in the end of the comment may be added: The promotion procedure at the highest levels of prosecution takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 51, dated 19.03.2019, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
a) First, Ad-Hoc Commission perform an initial assessment of all candidates to determine if they meet the legal requirements for promotion to office as a special prosecutor.
b) Then, the Commission proposes to the Council the disqualification of candidates who do not meet the legal requirements.
c) The High Prosecutorial Council disqualifies any candidate who does not meet the legal requirements and announces the official list of candidates who continue the evaluation process.
d) The Commission continues with the evaluation and conducts the interviews with the candidates. The Commission requests from public institutions any type of document important for the evaluation.
e) The Commission uses documents and letters of motivation to make relevant proposals for the evaluation of candidates, based on:
i. previous professional evaluations; and
ii. special ethical and professional criteria. The Council also takes into account the candidate's personal and professional commitment as an expert.

(2021): High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020.

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q111.

(2024): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC)

(2019): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q111.

Montenegro

(General Comment): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.
Criteria for the election of state prosecutors:
- performance grade and
- grade in the interview.

(2024): rticle 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

(2023): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

(2022): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

North Macedonia

(General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office.
The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.
With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime and corruption.

(2021): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of
organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.
The candidate, who wins the majority of votes from the total number of Council members, shall be appointed a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor.
In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public
prosecutors at the same public prosecutor's office.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)

General conditions for selection

Article 81

A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.

Work experience required

Article 82

A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:

1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the publicprosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.

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Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.

Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case. Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.

The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.

Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Article 84

In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
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A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
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Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Kosovo*

(General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.

(2024): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf

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(2022): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

Question 139

Albania
(General Comment): Regarding the promotion to the highest levels in Prosecution Offices of the general jurisdiction and the promotion of heads of Prosecution Offices of the general jurisdiction, other promotion criteria are the lack of disciplinary measures and the successful review of the verification of assets and image of candidates. And, for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime, other criteria is the fulfilling of the security conditions, provided for in Article 6 of Law no. 95/2016 "For the organization and functioning of institutions to fight corruption and crime e organized", as amended, including the condition that candidates must have submitted valid expression forms of consent for the periodic control of bank accounts and personal telecommunications, signed by the candidate and close family members.

(2021): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position.
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended. Also, High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020. The purpose of the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. is to define the criteria and procedure for the promotion of prosecutors in the leading position of the Prosecutions offices.

Bosnia and Herzegovina

(General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

(2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Other criteria for candidate ranking are checked in an interview.

Montenegro

(General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.
Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.
Professional knowledge is evaluated based on the following sub-criterion:
1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.
General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the following sub-criteria:
1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate prosecutorial staff and 4) participating in various professional activities.

(2024): Law on State Prosecutor's Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor's office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.
Years of experience is a requirement different for each Prosecutor s Office

(2023): Law on State Prosecutor's Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor's office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.

(2022): Law on State Prosecutor's Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor's office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.

North Macedonia

(General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years; Public prosecutor in a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last four years; Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least six years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last three years; Basic public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least four years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last two years; Basic public prosecutor of a basic public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last two years.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)

General conditions for selection

Article 81

A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.

Work experience required

Article 82

A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:

1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the publicprosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.

Other conditions for selection Article 83

Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.

Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.

Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case. Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.

The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.

Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Article 84

In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Kosovo*

(General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:
4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least there (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the prosecutor in the Serious Crimes Department of the Basic Prosecution Office.
4.4. to serve as a prosecutor in the Chief State Prosecutor Office, the prosecutor should have at least seven (7) years of experience as a prosecutor, as well as based on performance assessment;
4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

(2024): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf

(2023): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

(2022): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

Question 140

Bosnia and Herzegovina
(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure.

Serbia
(General Comment): Yes.

Kosovo*
(General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

Question 141

Bosnia and Herzegovina
(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro
(General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.

(2023): Administrative court

(2022): Administrative court. In accordance with the Law on State Prosecutor's Office, Article 40, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Serbia

(General Comment): Constitutional court.

(2022): The deputy public prosecutor can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.

(2021): Article 54 of RULEBOOK ON CRITERIA FOR EVALUATION OF THE WORK OF PUBLIC PROSECUTORS AND DEPUTY PUBLIC PROSECUTORS
The Public Prosecutor or the Deputy Public Prosecutor may personally or through a proxy file an objection against the decision on the evaluation of work to the State Council of Prosecutors within 15 days from the day of delivery of the decision.
Article 59:
The decision of the State Prosecutors' Council on the complaint is final and an dispute to the Administrative Court may be initiated against it.

Kosovo*

(General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published on the official website of the KPC and State Prosecutor.

6.Promotion - List of tables

Table 6.1.1 Authority competent for the promotion of judges in 2024 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2024 (Q135 and Q136)

Table 6.1.3 Procedure and criteria for the promotion of judges in 2024 (Q133 and Q134)

Table 6.1.4 Authority competent for the promotion of prosecutors in 2024 (Q137)

Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2024 (Q140 and Q141)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2024 (Q138 and Q139)

Table 6.1.1 Authority competent for the promotion of judges in 2024 (Q132)

Beneficiaries	Authority competent for the promotion of judges				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2024 (Q135 and Q136)

Beneficiaries	Judges						
	Possibility to appeal the decision on the promotion of judges	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 6.1.3 Procedure and criteria for the promotion of judges in 2024 (Q133 and Q134)

Beneficiaries	Procedure for the promotion of judges				Criteria used for the promotion of a judge					
	Competitive test / Exam	Previous individual evaluations	Other procedure(s) (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Albania		Yes	Yes		Yes	Yes	Yes	Yes		
Bosnia and Herzegovina		Yes	Yes		Yes	Yes	Yes	Yes		
Montenegro		Yes	Yes		Yes	Yes	Yes	Yes	Yes	
North Macedonia			Yes		Yes	Yes	Yes	Yes		
Serbia		Yes	Yes		Yes	Yes	Yes	Yes		
Kosovo*		Yes	Yes		Yes	Yes	Yes	Yes		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 6.1.4 Authority competent for the promotion of prosecutors in 2024 (Q137)

Beneficiaries	Authority competent for the promotion of prosecutors				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Albania			Yes		
Bosnia and Herzegovina			Yes		
Montenegro			Yes		
North Macedonia			Yes		
Serbia			Yes		
Kosovo*			Yes		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2024 (Q140 and Q141)

Beneficiaries	Prosecutors						
	Possibility to appeal the decision on the promotion of prosecutors	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2024 (Q138 and Q139)

Beneficiaries	Procedure for the promotion of prosecutors				Criteria used for the promotion of a prosecutor					
	Competitive test / Exam	Previous individual evaluations	Other procedure(s) (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*										

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Indicator 6- Promotion

by country

Question 132. Which authority is competent for the promotion of judges?
Question 133. What is the procedure for the promotion of judges? (multiple replies possible)
Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)
Question 135. Can a decision on the promotion of judges be appealed?
Question 136. If yes, what is the body competent to decide on appeal?
Question 137. Which authority is competent for the promotion of prosecutors?
Question 138. What is the procedure for the promotion of prosecutors? (multiple replies possible)
Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):
Question 140. Can a decision on the promotion of prosecutors be appealed?
Question 141. If yes, what is the body competent to decide on appeal?

Albania

Q133 (General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) Firstly, two previous evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under letter “b” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Councils shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article.

Q133 (2024): only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

Q134 (General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) Very good': in case of an above average ethical and professional performance c) 'Good': in case of an average ethical and professional performance; ç) 'Acceptable': in case of a below average ethical and professional performance; d) 'Incapable': in case of a poor ethical and/or professional performance. Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

Q134 (2024): Since the very beginning, in addition to the legal provisions foreseen in the Law Status for the promotion procedure, the HJC has fully implemented the recommendation of the Venice Commission. All judges promoted to higher courts have successfully passed the vetting process with a final decision. This precondition is mandatory for all candidates to be firstly considered for promotions. Additionally, candidates must undergo 2 consecutive evaluations to be eligible in a promotion procedure. The evaluation process assesses the professional and organizational skills of candidates, as well as their ethics and professional commitment, based on a new scheme adopted by the Council. Only applicants who have no disciplinary sanction in force, shall be allowed to participate further in a promotion procedure.

Q136 (General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court. The competent court is Tirana Administrative First Instance Court

Q138 (General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
The High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 303, dated 19.09.2023, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
1. The Special Commission conducts an initial evaluation of all candidates to determine whether they meet the legal requirements for promotion to office as a Prosecutor in the Special Prosecutor's Office or as head of this prosecutor's office.
2. The Special Commission proposes to the Council the qualification of candidates who meet the legal requirements.
3. The High Prosecutorial Council qualifies candidates who meet the legal requirements and announces the official list of candidates.

Q138 (2022): The specific comment made in this cycle for Q138, is different from the general comment, anyway The GENERAL comment is still valid. Also, in the end of the comment may be added: The promotion procedure at the highest levels of prosecution takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 51, dated 19.03.2019, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
a) First, Ad-Hoc Commission perform an initial assessment of all candidates to determine if they meet the legal requirements for promotion to office as a special prosecutor.
b) Then, the Commission proposes to the Council the disqualification of candidates who do not meet the legal requirements.
c) The High Prosecutorial Council disqualifies any candidate who does not meet the legal requirements and announces the official list of candidates who continue the evaluation process.
d) The Commission continues with the evaluation and conducts the interviews with the candidates. The Commission requests from public institutions any type of document important for the evaluation.
e) The Commission uses documents and letters of motivation to make relevant proposals for the evaluation of candidates, based on:
i. previous professional evaluations; and
ii. special ethical and professional criteria. The Council also takes into account the candidate's personal and professional commitment as an expert.

Q138 (2021): High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020.

Q139 (General Comment): Regarding the promotion to the highest levels in Prosecution Offices of the general jurisdiction and the promotion of heads of Prosecution Offices of the general jurisdiction, other promotion criteria are the lack of disciplinary measures and the successful review of the verification of assets and image of candidates. And, for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime, other criteria is the fulfilling of the security conditions, provided for in Article 6 of Law no. 95/2016 "For the organization and functioning of institutions to fight corruption and crime e organized", as amended, including the condition that candidates must have submitted valid expression forms of consent for the periodic control of bank accounts and personal telecommunications, signed by the candidate and close family members.

Q139 (2021): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position.
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended. Also, High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020. The purpose of the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. is to define the criteria and procedure for the promotion of prosecutors in the leading position of the Prosecutions offices.

Bosnia and Herzegovina
Q133 (General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.

Q133 (2019): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
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The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.

Q134 (General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.
Q134 (2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
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The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

Q135 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

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Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The procedure includes:

a) Publishing competition procedure;

b) Conducting interview with candidates;

b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);

c) Deciding on appointment (HJPC).

More details on the procedure are available under Q111.

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b) Conducting interview with candidates;

b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);

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Q139 (General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

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Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Other criteria for candidate ranking are checked in an interview.
Q140 (General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure.

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Montenegro

Q133 (General Comment): On the basis of article 72-75 of the Law on Judicial Council and judges
Promotion of Judges Conditions for Promotion Article 72
The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.
A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.
Public Announcement
Article 73
In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate
Court and the Supreme Court, in accordance with the Plan of Vacancies.
The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.
Criteria for the Judge Who Is Promoted
Article 74
The criteria for the appointment of the judge who is promoted shall be:
1) Work appraisal of the judge or public prosecutor;
2) Evaluation of the interview with the candidate.
Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview. Decision on Appointment
Article 75
The Judicial Council shall conduct an interview with the applicants.
A ranking list shall be prepared on the basis of the work appraisal and interview evaluation referred to in Article 74 of the present Law. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on the basis of work appraisal, and if candidates have scored the same number of points on these grounds, preference shall be given to the candidate who is a member of a minority or other minority ethnic community.
If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.

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If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.
The procedure of conducting the interview shall be governed by Article 49 of the present Law.

Q134 (General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate.
Q134 (2023): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
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Q134 (2022): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate

Q136 (General Comment): Administrative Court
Q137 (General Comment): Prosecutorial Council
Q138 (General Comment): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.
Criteria for the election of state prosecutors:
- performance grade and
- grade in the interview.

Q138 (2024): rticle 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

Q138 (2023): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

Q138 (2022): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

Q139 (General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.
Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.
Professional knowledge is evaluated based on the following sub-criterion:
1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.
General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the following sub-criteria:
1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate prosecutorial staff and 4) participating in various professional activities.

Q139 (2024): Law on State Prosecutor's Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor's office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.
Years of experience is a requirement different for each Prosecutor s Office

Q139 (2023): Law on State Prosecutor’s Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor’s office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor’s office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor’s Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor’s Office referred to in Article 50 paragraph 3 of this Law.

Q139 (2022): Law on State Prosecutor’s Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor’s office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor’s office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor’s Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor’s Office referred to in Article 50 paragraph 3 of this Law.

Q141 (General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.
Q141 (2023): Administrative court
Q141 (2022): Administrative court. In accordance with the Law on State Prosecutor's Office, Article 40, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

North Macedonia

Q133 (General Comment): Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(…)

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council. (5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his decision regarding the selection of a judge. (4) The Council shall be obliged to inform every candidate about the decision on selection of a judge in writing. (5) The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

Q133 (2021): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council
Criteria for the election of a judge of a higher court Article 48
(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge’s position.
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

Q134 (General Comment): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows: 1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council Criteria for the election of a judge of a higher court Article 48
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria: 1) expert knowledge and specialization in the field and participation in continuous training; 2) positive evaluation of his work 3) capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions 4) undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases; 5) undertaking additional work when performing judicial office by means of mentorship, education, and alike; 6)length of judicial service.

Q136 (General Comment): Appeal Council in the Supreme court.
The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.
The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan. This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Q138 (General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office.
The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.
With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime and corruption.

Q138 (2021): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of
organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.
The candidate, who wins the majority of votes from the total number of Council members, shall be appointed a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor.
In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public
prosecutors at the same public prosecutor's office.

Q139 (General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years; Public prosecutor in a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last four years; Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least six years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last three years; Basic public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least four years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last two years; Basic public prosecutor of a basic public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last two years.

Serbia

Q132 (General Comment): High Judicial Concil.

Q133 (General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

Q133 (2024): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents. Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
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Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

Q133 (2021): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.
Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Work of all judges and presidents of the courts is subject to regular evaluation. Performance evaluation involves all aspects of a judge's work and/or work of a president of the court, and represents the basis for the election, mandatory training of judges, and dismissal.
Evaluation is conducted based on publicised, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated. The criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are pursuant to the Law on Judges, Law on High Judicial Council and Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016), which is being applied as of 1st July 2015.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC’s Rules of Procedure) and published in the Official Gazette.

Q134 (General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
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Q134 (2024): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

Q134 (2023): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

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Q135 (General Comment): Yes.
Q136 (General Comment): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

Q136 (2024): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.
Q136 (2023): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

Q136 (2022): The judge can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.
Q136 (2021): Administrative court – An administrative dispute shall be initiated by a lawsuit.
Q137 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICEIV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.
Q137 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE("Official Gazette of RS", No. 10/2023)
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Q138 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Q138 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)

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2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the publicprosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
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Other conditions for selection Article 83

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Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Article 84

In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's

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3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
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1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Q139 (2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)

General conditions for selection

Article 81

A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.

Work experience required

Article 82

A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:

1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the publicprosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.

Other conditions for selection Article 83

Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.

Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.

Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case. Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.

The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.

Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Article 84

In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's

Q139 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
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3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
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Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
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Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Q140 (General Comment): Yes.
Q141 (General Comment): Constitutional court.
Q141 (2022): The deputy public prosecutor can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.

Q141 (2021): Article 54 of RULEBOOK ON CRITERIA FOR EVALUATION OF THE WORK OF PUBLIC PROSECUTORS AND DEPUTY PUBLIC PROSECUTORS
The Public Prosecutor or the Deputy Public Prosecutor may personally or through a proxy file an objection against the decision on the evaluation of work to the State Council of Prosecutors within 15 days from the day of delivery of the decision.
Article 59:
The decision of the State Prosecutors' Council on the complaint is final and an dispute to the Administrative Court may be initiated against it.

Kosovo*
Q132 (General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level,job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are be informed personally in a reasoned writing notice and they are given an opportunity to submit a request for reconsideration of his/her application within a deadline of five days. This is followed by the collection of information and interview. After the interview, the panel drafts and signs the final ranking table of candidates and notifies all candidates in writing regarding their results. Unsatisfied candidates have the right to submit a request for reconsideration within five working days after receiving the notice.

Q133 (2024): Upon the announcement of the call by the KJC, an ad hoc panel is established by the Council, responsible for reviewing applications, conducting interviews, evaluating candidates, and recommending judges for promotion to the Council.
Q133 (2021): Kosovo Judicial Council, in accordance with Article 108 of the Constitution of the Republic of Kosovo, Law on the Kosovo Judicial Council No. 06 / L-55, Law on Courts No. 06 / L-054, Regulation (01/2014) on the procedure of promotion of judges (amended and supplemented), Article 5 of the Annex to the Regulation on Internal Organization of KJC conducts the promotion procedure.
Q134 (General Comment): These criteria are specified in the Law on courts
Q134 (2021): Quantitative criteria (performance) relates to the number of cases solved.
Q136 (General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court
(usually the head of Supreme & Appellate court).
Q136 (2024): The ad hoc commission, established by the Council, is responsible for reviewing candidates' appeals against the Panel's decisions.
Q137 (2024): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Q137 (2023): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Q137 (2022): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Q138 (General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.

Q138 (2024): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.

Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors

https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf

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Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

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https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf
Q139 (General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:
4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least there (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the prosecutor in the Serious Crimes Department of the Basic Prosecution Office.
4.4. to serve as a prosecutor in the Chief State Prosecutor Office, the prosecutor should have at least seven (7) years of experience as a prosecutor, as well as based on performance assessment;
4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

Q139 (2024): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf
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Q140 (General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

Q141 (General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published on the official website of the KPC and State Prosecutor.

Indicator 6- Promotion

by question No.

Question 132. Which authority is competent for the promotion of judges?
Question 133. What is the procedure for the promotion of judges? (multiple replies possible)
Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)
Question 135. Can a decision on the promotion of judges be appealed?
Question 136. If yes, what is the body competent to decide on appeal?
Question 137. Which authority is competent for the promotion of prosecutors?
Question 138. What is the procedure for the promotion of prosecutors? (multiple replies possible)
Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies possible):
Question 140. Can a decision on the promotion of prosecutors be appealed?
Question 141. If yes, what is the body competent to decide on appeal?

Question 132

Serbia
(General Comment): High Judicial Concil.

Kosovo*
(General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level,job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are be informed personally in a reasoned writing notice and they are given an opportunity to submit a request for reconsideration of his/her application within a deadline of five days. This is followed by the collection of information and interview. After the interview, the panel drafts and signs the final ranking table of candidates and notifies all candidates in writing regarding their results. Unsatisfied candidates have the right to submit a request for reconsideration within five working days after receiving the notice.

Question 133

Albania

(General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.
- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:
a) Firstly, two previous evaluations, taking into consideration that:
i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
c) Thirdly, if after the evaluation made under letter “b” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.
The Councils shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article.

(2024): only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.

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Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
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b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q89.

Montenegro

(General Comment): On the basis of article 72-75 of the Law on Judicial Council and judges
Promotion of Judges Conditions for Promotion Article 72
The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.
A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.
Public Announcement
Article 73
In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate
Court and the Supreme Court, in accordance with the Plan of Vacancies.
The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.
Criteria for the Judge Who Is Promoted
Article 74
The criteria for the appointment of the judge who is promoted shall be:
1) Work appraisal of the judge or public prosecutor;
2) Evaluation of the interview with the candidate.
Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview. Decision on Appointment
Article 75
The Judicial Council shall conduct an interview with the applicants.
A ranking list shall be prepared on the basis of the work appraisal and interview evaluation referred to in Article 74 of the present Law. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on the basis of work appraisal, and if candidates have scored the same number of points on these grounds, preference shall be given to the candidate who is a member of a minority or other minority ethnic community.
If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.

(2024): On the basis of article 72-75 of the Law on Judicial Council and judges
Promotion of Judges Conditions for Promotion Article 72
The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.
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If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.
The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.
The procedure of conducting the interview shall be governed by Article 49 of the present Law.

North Macedonia

(General Comment): Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(…)

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council. (5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his decision regarding the selection of a judge. (4) The Council shall be obliged to inform every candidate about the decision on selection of a judge in writing. (5) The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

(2021): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows: 1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council
Criteria for the election of a judge of a higher court Article 48
(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

Serbia

(General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

(2024): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents. Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
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Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

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The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.

Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

(2021): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.
Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentationsin national and international scientific and professional conferences.
Work of all judges and presidents of the courts is subject to regular evaluation. Performance evaluation involves all aspects of a judge's work and/or work of a president of the court, and represents the basis for the election, mandatory training of judges, and dismissal.
Evaluation is conducted based on publicised, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated. The criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are pursuant to the Law on Judges, Law on High Judicial Council and Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016), which is being applied as of 1st July 2015.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC’s Rules of Procedure) and published in the Official Gazette.

Kosovo*

(2024): Upon the announcement of the call by the KJC, an ad hoc panel is established by the Council, responsible for reviewing applications, conducting interviews, evaluating candidates, and recommending judges for promotion to the Council.

(2021): Kosovo Judicial Council, in accordance with Article 108 of the Constitution of the Republic of Kosovo, Law on the Kosovo Judicial Council No. 06 / L-55, Law on Courts No. 06 / L-054, Regulation (01/2014) on the procedure of promotion of judges (amended and supplemented), Article 5 of the Annex to the Regulation on Internal Organization of KJC conducts the promotion procedure.

Question 134

Albania

(General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:
a) Firstly, two previous performance evaluations, taking into consideration that:
i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.
The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:
a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) Very good': in case of an above average
ethical and professional performance c) 'Good': in case of an average ethical and professional performance; ç) 'Acceptable': in case of a below average ethical and professional performance; d) 'Incapable': in case of a poor ethical and/or professional performance. Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

(2024): Since the very beginning, in addition to the legal provisions foreseen in the Law Status for the promotion procedure, the HJC has fully implemented the recommendation of the Venice Commission. All judges promoted to higher courts have successfully passed the vetting process with a final decision. This precondition is mandatory for all candidates to be firstly considered for promotions. Additionally, candidates must undergo 2 consecutive evaluations to be eligible in a promotion procedure. The evaluation process assesses the professional and organizational skills of candidates, as well as their ethics and professional commitment, based on a new scheme adopted by the Council. Only applicants who have no disciplinary sanction in force, shall be allowed to participate further in a promotion procedure.

Bosnia and Herzegovina

(General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

(2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills.
Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

Montenegro

(General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate.

(2023): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
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2) ratings of the interview with the candidate

(2022): Excerpt from the Law:
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.
State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.
Criteria for the selection of judges who are advancing are:
1) the performance of the judge or the state prosecutor;
2) ratings of the interview with the candidate

North Macedonia

(General Comment): The Law on the courts
Article 46
(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows: 1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .
(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.
Law on Judicial council Criteria for the election of a judge of a higher court Article 48
(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria: 1) expert knowledge and specialization in the field and participation in continuous training; 2) positive evaluation of his work 3) capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions 4) undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases; 5) undertaking additional work when performing judicial office by means of mentorship, education, and alike; 6)length of judicial service.

Serbia

(General Comment): Rulebook on criteria and standards for evaluation of expertise, competence and worthines for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23), provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the Republic of Serbia" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three elected members of the Council. Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.
Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.
The Council, in the process of the election of judges with permanent tenure to another or higher court, shall obtain the opinion of the Session of all judges of the court from which the judge has come, as well as the opinion of the Session of all judges of immediately higher court. The Council shall especially appreciate participation in the training for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentations in national and international scientific and professional conferences.
Decisions of the HJC regarding the selection of judges to permanent judicial positions at the other or higher courts must be reasoned and published in the Official Gazette. “Official Gazette of the Republic of Serbia”, and at the website of the High Judicial Council.

(2024): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

(2023): The criteria and standards in the process of election of judges to another or higher court are prescribed by the Rulebook on criteria and standards for evaluation of expertise, competence and worthiness for the election of judges with permanent tenure to another or higher court and on criteria for proposing candidates for the court president ("Official Gazette of RS", No.94/16 and 48/23). Art. 4: expertise shall include possession of theoretical and practical knowledge required to perform the judicial function; competence shall imply skills that enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behave by those qualities. The worthiness of candidates shall be assumed.

(2021): The criteria and standard in the proces of election of judges to another or higher court are prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents (Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behavior in accordance with those qualities. Worthiness of candidates shall be assumed.

Kosovo*

(General Comment): These criteria are specified in the Law on courts

(2021): Quantitative criteria (performance) relates to the number of cases solved.

Question 135

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Serbia

(General Comment): Yes.

Question 136

Albania

(General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court. The competent court is Tirana Administrative First Instance Court

Bosnia and Herzegovina

(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

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Montenegro

(General Comment): Administrative Court

North Macedonia

(General Comment): Appeal Council in the Supreme court.
The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.
The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan. This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Serbia

(General Comment): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

(2024): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

(2023): Against the decision on the promotion to the judicial function, the candidate may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the "Official Gazette of the Republic of Serbia", which excludes the right to submit a constitutional appeal.

(2022): The judge can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.

(2021): Administrative court – An administrative dispute shall be initiated by a lawsuit.

Kosovo*

(General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court
(usually the head of Supreme & Appellate court).

(2024): The ad hoc commission, established by the Council, is responsible for reviewing candidates' appeals against the Panel's decisions.

Question 137

Montenegro

(General Comment): Prosecutorial Council

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICEIV SELECTION
1. Jurisdiction and conditions for the election of the holder of the office of public prosecutor
Jurisdiction to choose
Article 80
The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the High Council of Prosecutors, for a term of six years.
The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE("Official Gazette of RS", No. 10/2023)
IV SELECTION
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The Chief Public Prosecutor is elected by the High Council of Prosecutors for a six-year term.
The public prosecutor is elected by the High Council of Prosecutions to a permanent position of public prosecutor in the public prosecutor's office.
The number of public prosecutors for each public prosecution is determined by the High Council of Prosecutors.

Kosovo*

(2024): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

(2023): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

(2022): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Question 138

Albania

(General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
The High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 303, dated 19.09.2023, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
1. The Special Commission conducts an initial evaluation of all candidates to determine whether they meet the legal requirements for promotion to office as a Prosecutor in the Special Prosecutor's Office or as head of this prosecutor's office.
2. The Special Commission proposes to the Council the qualification of candidates who meet the legal requirements.
3. The High Prosecutorial Council qualifies candidates who meet the legal requirements and announces the official list of candidates.

(2022): The specific comment made in this cycle for Q138, is different from the general comment, anyway The GENERAL comment is still valid. Also, in the end of the comment may be added: The promotion procedure at the highest levels of prosecution takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation “For the promotion to the highest levels in Prosecution Offices of the general jurisdiction”. According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.
Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”. High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
With the Decision no. 51, dated 19.03.2019, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:
a) First, Ad-Hoc Commission perform an initial assessment of all candidates to determine if they meet the legal requirements for promotion to office as a special prosecutor.
b) Then, the Commission proposes to the Council the disqualification of candidates who do not meet the legal requirements.
c) The High Prosecutorial Council disqualifies any candidate who does not meet the legal requirements and announces the official list of candidates who continue the evaluation process.
d) The Commission continues with the evaluation and conducts the interviews with the candidates. The Commission requests from public institutions any type of document important for the evaluation.
e) The Commission uses documents and letters of motivation to make relevant proposals for the evaluation of candidates, based on:
i. previous professional evaluations; and
ii. special ethical and professional criteria. The Council also takes into account the candidate's personal and professional commitment as an expert.

(2021): High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020.

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The procedure includes:
a) Publishing competition procedure;
b) Conducting interview with candidates;
b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q111.

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b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
c) Deciding on appointment (HJPC).
More details on the procedure are available under Q111.

Montenegro

(General Comment): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.
Criteria for the election of state prosecutors:
- performance grade and
- grade in the interview.

(2024): rticle 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

(2023): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

(2022): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.
In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.
Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

North Macedonia

(General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office.
The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.
With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime and corruption.

(2021): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of
organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.
The candidate, who wins the majority of votes from the total number of Council members, shall be appointed a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor.
In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public
prosecutors at the same public prosecutor's office.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

(2024): THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)

General conditions for selection

Article 81

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Work experience required

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The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.

Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Article 84

In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
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Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Kosovo*

(General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.

(2024): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf

(2023): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.
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(2022): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

Question 139

Albania
(General Comment): Regarding the promotion to the highest levels in Prosecution Offices of the general jurisdiction and the promotion of heads of Prosecution Offices of the general jurisdiction, other promotion criteria are the lack of disciplinary measures and the successful review of the verification of assets and image of candidates. And, for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime, other criteria is the fulfilling of the security conditions, provided for in Article 6 of Law no. 95/2016 "For the organization and functioning of institutions to fight corruption and crime e organized", as amended, including the condition that candidates must have submitted valid expression forms of consent for the periodic control of bank accounts and personal telecommunications, signed by the candidate and close family members.

(2021): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:
a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position.
After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.
High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.
Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law “On the status of judges and prosecutors”, as amended. Also, High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020. The purpose of the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. is to define the criteria and procedure for the promotion of prosecutors in the leading position of the Prosecutions offices.

Bosnia and Herzegovina

(General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f)Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
The rest of the above mentioned criteria for candidate ranking are checked in an interview.

(2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.
The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Other criteria for candidate ranking are checked in an interview.

Montenegro

(General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.
Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.
Professional knowledge is evaluated based on the following sub-criterion:
1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.
General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the following sub-criteria:
1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate prosecutorial staff and 4) participating in various professional activities.

(2024): Law on State Prosecutor's Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor's office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.
Years of experience is a requirement different for each Prosecutor s Office

(2023): Law on State Prosecutor's Office Article 75
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that state prosecutor's office.
State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.

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State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.

North Macedonia

(General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years; Public prosecutor in a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last four years; Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least six years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last three years; Basic public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least four years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last two years; Basic public prosecutor of a basic public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last two years.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)General conditions for selection
Article 81
A citizen of the Republic of Serbia who meets the general requirements for work in a state body, who has graduated from law school, passed the bar exam, and who is professional and worthy of performing the public prosecutor's office can be elected as the holder of the public prosecutor's office.
Work experience required
Article 82
A person who, in addition to the general requirements, has work experience in the legal profession after passing the bar exam can be elected as the holder of the public prosecutor's office, namely:
1) four years for the basic chief public prosecutor and three years for the public prosecutor of the basic public prosecution;
2) seven years for the senior chief public prosecutor and six years for the public prosecutor of the higher public prosecution;
3) ten years for the appellate chief public prosecutor and the chief public prosecutor of special jurisdiction and nine years for the public prosecutor of the appellate public prosecution and the public prosecutor of the public prosecution of special jurisdiction;
4) twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office.
Other conditions for selection
Article 83
Other conditions for selection to the position of public prosecutor are expertise, competence and worthiness.
Expertise implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function.
Competency means skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case.
Dignity implies the moral qualities that the holder of the office of public prosecutor should possess and conduct in accordance with those qualities. Moral qualities are: honesty, conscientiousness, fairness, dignity, perseverance and exemplary behavior, and behavior in accordance with these qualities means preserving the reputation of the public prosecutor's office inside and outside the service, awareness of social responsibility, maintaining independence and impartiality, reliability and dignity in the service and outside of it and assuming responsibility for the internal organization and a positive image of the Public Prosecutor's Office in the public.
The criteria and standards for assessing the expertise, competence and worthiness of the candidates and the selection procedure are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

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Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Article 84

In the process of selecting the holder of the position of public prosecutor, a candidate who is elected for the first time to the position of public prosecutor in the public prosecutor's

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Determining the expertise and competence of a candidate for the position of public prosecutor who is elected to the position of public prosecutor for the first time

Kosovo*

(General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:
4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least there (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the prosecutor in the Serious Crimes Department of the Basic Prosecution Office.
4.4. to serve as a prosecutor in the Chief State Prosecutor Office, the prosecutor should have at least seven (7) years of experience as a prosecutor, as well as based on performance assessment;
4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

(2024): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://prokuroria-rks.org/wp-content/uploads/2024/08/Rregullore-Nr.02.2021-per-Transferimin-dhe-Avancimin-e-Prokuroreve-te-Shtetit-nr.1664.2021.pdf

(2023): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

(2022): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf

Question 140

Bosnia and Herzegovina
(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure.

Serbia
(General Comment): Yes.

Kosovo*
(General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

Question 141

Bosnia and Herzegovina
(General Comment): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

(2023): The decision on appointment made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is the final administrative act pursuant to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of BiH", No. 63/23), which entered into force in December 2023, and an administrative dispute may be initiated against the decision by the candidate in the appointment procedure. The Court of Bosnia and Herzegovina has jurisdiction to resolve these administrative disputes. In the event of an administrative dispute, the appointment of the newly appointed judge or prosecutor shall be postponed for that position until the court proceedings have been completed.

Montenegro
(General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.

(2023): Administrative court

(2022): Administrative court. In accordance with the Law on State Prosecutor's Office, Article 40, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Serbia

(General Comment): Constitutional court.

(2022): The deputy public prosecutor can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court.

(2021): Article 54 of RULEBOOK ON CRITERIA FOR EVALUATION OF THE WORK OF PUBLIC PROSECUTORS AND DEPUTY PUBLIC PROSECUTORS
The Public Prosecutor or the Deputy Public Prosecutor may personally or through a proxy file an objection against the decision on the evaluation of work to the State Council of Prosecutors within 15 days from the day of delivery of the decision.
Article 59:
The decision of the State Prosecutors' Council on the complaint is final and an dispute to the Administrative Court may be initiated against it.

Kosovo*

(General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published on the official website of the KPC and State Prosecutor.

7. Training - Overview

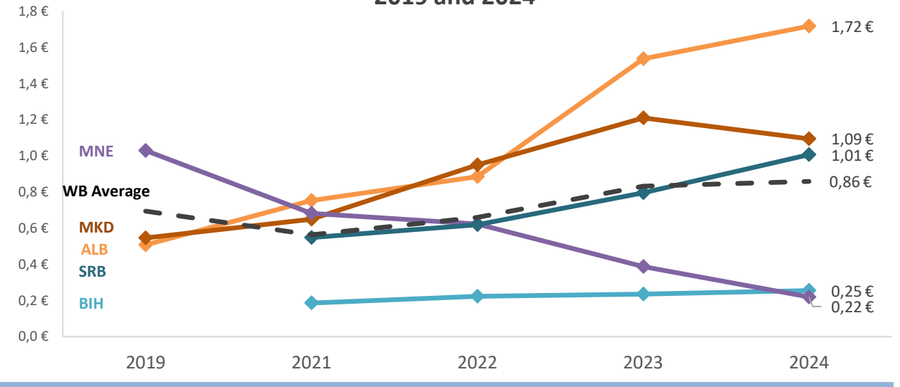
Training budget

Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2019 and 2024 (Table 7.1.3)

Beneficiaries	Total budget for training per inhabitant covered by training institutions, court and prosecution budget						
	2019	2021	2022	2023	2024	Variation 2019-2024 (%)	Variation 2023-2024 (%)
Albania	0,51 €	0,75 €	0,89 €	1,54 €	1,72 €	238,5%	11,8%
Bosnia and Herzegovina	NA	0,19 €	0,22 €	0,24 €	0,25 €	NA	8,2%
Montenegro	1,03 €	0,68 €	0,62 €	0,39 €	0,22 €	-78,7%	-43,3%
North Macedonia	0,55 €	0,65 €	0,95 €	1,21 €	1,09 €	100,5%	-9,5%
Serbia	NA	0,55 €	0,62 €	0,79 €	1,01 €	NA	26,6%
Kosovo*	0,66 €	NA	0,39 €	NA	0,46 €	NA	NA
WB Average	0,69 €	0,56 €	0,66 €	0,83 €	0,86 €	86,8%	-1,2%

N.B.: In 2022, the total budget for training also includes donors' budget

Figure 7.1 Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2019 and 2024



Number of trainings

Number of trainings in 2024 (Tables 7.2.4, 7.2.5 and 7.2.6)

Beneficiaries	Number of live (in person, hybrid, video conference) trainings						Number of internet-based trainings	
	Available			Delivered				
	Total	For judges	For prosecutors	Total	For judges	For prosecutors	Provided by the public institution(s)	Completed on other e-learning platforms
Albania	351	132	100	382	149	114	1	1
Bosnia and Herzegovina	267	164	79	267	164	79	0	2
Montenegro	90	88	70	87	85	70	NAP	9
North Macedonia	152	104	58	208	125	71	0	2
Serbia	191	159	132	191	126	84	22	6
Kosovo*	276	86	47	273	84	46	0	0
WB Average	210	129	88	227	130	84	6	4

Figure 7.2 Average number of days per delivered live training in 2024

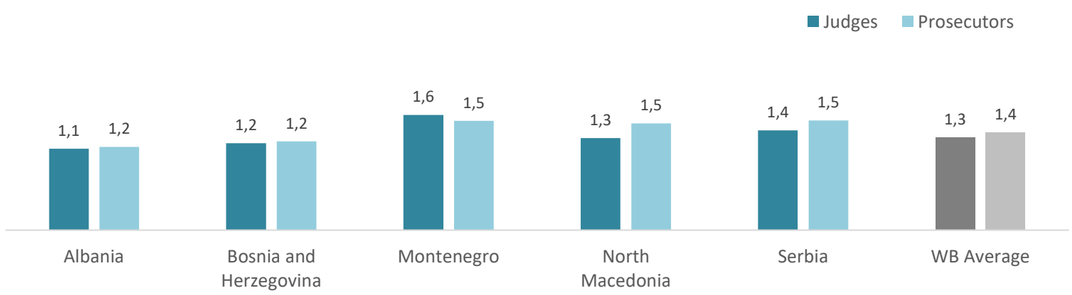
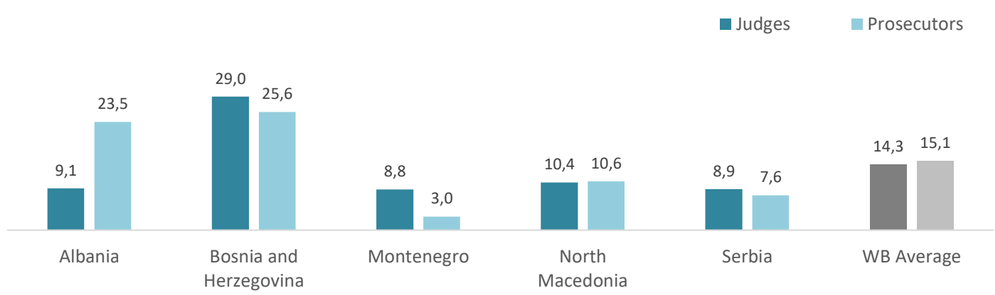


Figure 7.3 Average number of training participants per live training in 2024



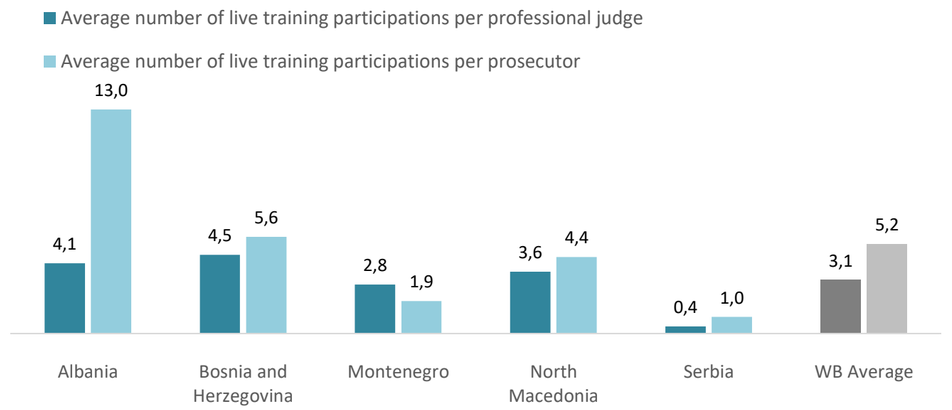
Training participants in live trainings

CEPEJ distinguish these types of trainings:
"A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
"Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Trainings participants (judges and prosecutors) on live and internet-based trainings, and average number of training participants per professional judge/prosecutor in 2024 (Tables 7.2.4)

Beneficiaries	Live trainings					
	Participating judges	Total number of professional judges (all instances)	Average number of live training participations per professional judge	Participating prosecutors	Total number of public prosecutors (all instances)	Average number of live training participations per prosecutor
Albania	1 354	333	4,1	2 681	207	13,0
Bosnia and Herzegovina	4 750	1 044	4,5	2 024	362	5,6
Montenegro	751	265	2,8	207	110	1,9
North Macedonia	1 298	363	3,6	753	170	4,4
Serbia	1 121	2 654	0,4	635	663	1,0
Kosovo*	959	440	2,2	297	153	1,9
WB Average	1 855	932	3,1	1 260	302	5,2

Figure 7.4 Average number of live training participations per judge/prosecutor in 2024

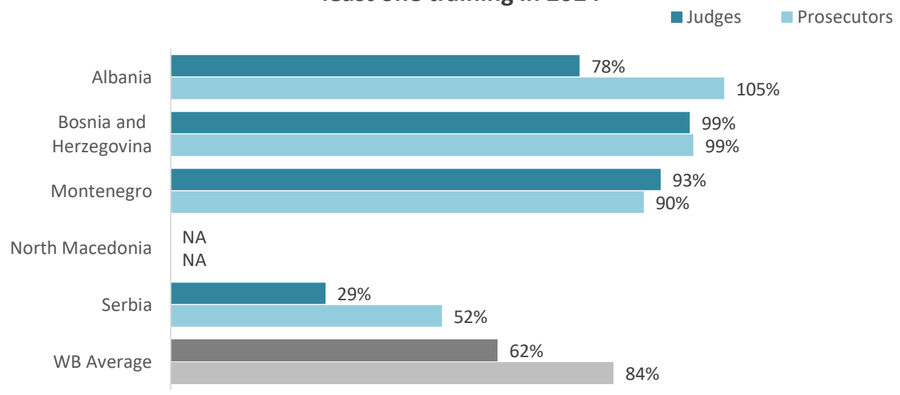


The average number of live training participations per professional is calculated by dividing the number of participants in live trainings by the number of professionals (for each professional category). For example, the WB Average for judges is 3,1. This means that, on average, each judge in the region participated to 3,1 live trainings.

Number of unique participants** on trainings and percentage of judges or prosecutors attending at least one training in 2024 (Table 7.2.7)

Beneficiaries	Number of unique participants in live trainings		Percentage of judges/prosecutors having attended at least one training	
	Judges	Prosecutors	Judges	Prosecutors
Albania	259	218	78%	105%
Bosnia and Herzegovina	1 031	360	99%	99%
Montenegro	247	99	93%	90%
North Macedonia	NA	NA	NA	NA
Serbia	781	342	29%	52%
Kosovo*	285	130	65%	85%
WB Average	580	255	62%	84%

Figure 7.5 Percentage of judges/prosecutors having attended at least one training in 2024



**"Unique participants" shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

Trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of training courses organised by institutions responsible for trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2024 (Tables no. 7.3.1 and 7.3.2)

Beneficiaries	Training courses organised by institutions responsible for training			
	Number of live trainings organised by the public institution(s) responsible for training		Number of internet-based trainings provided on the e-learning platform of the training institution	
	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights
Albania	4	6	NA	NA
Bosnia and Herzegovina	2	11	0	1
Montenegro	9	12	NAP	NAP
North Macedonia	8	34	1	1
Serbia	7	8	2	0
Kosovo*	2	5	0	0
WB Average	6	14	1	1

Figure 7.6 Number of days of delivered live trainings in 2024

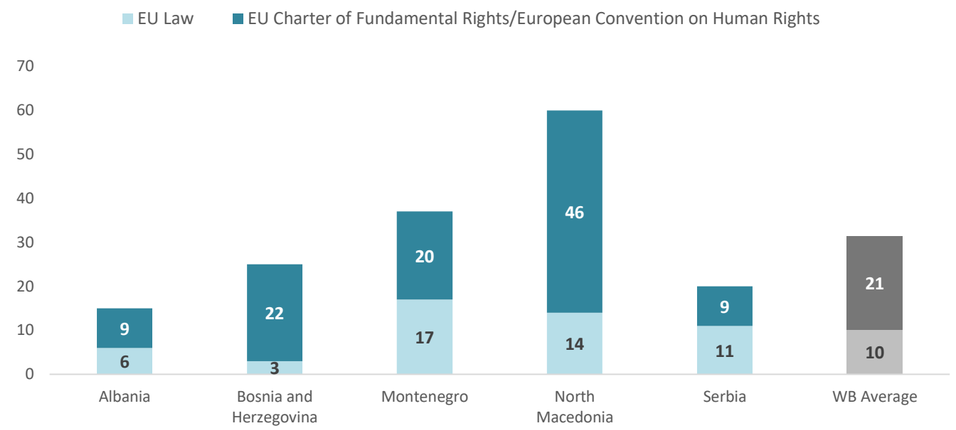


Figure 7.7 Training on EU Law in 2024

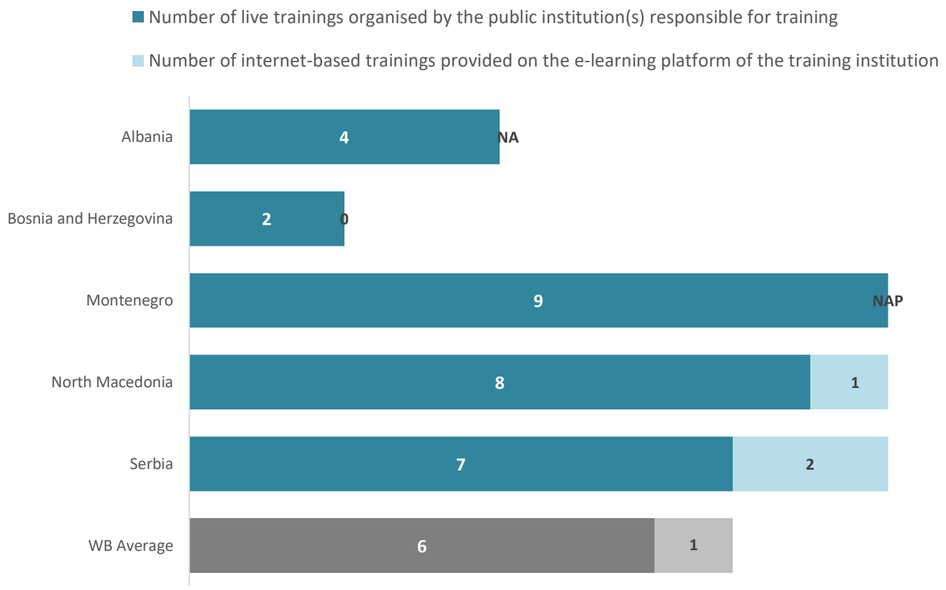
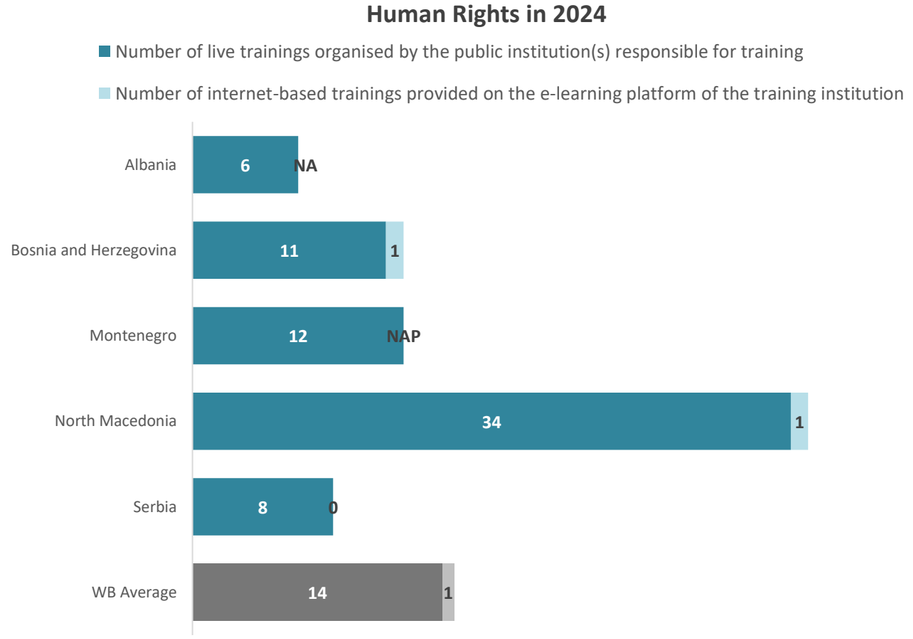


Figure 7.8 EU Charter of Fundamental Rights/European Convention on Human Rights in 2024



Number of participations to live trainings and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of participations to live training and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2024 (Tables 7.3.1, 7.3.2 and 7.3.3)

Beneficiaries	Training courses organised by institutions responsible for training					
	Number of participations to live trainings		Number of participations to interner-based trainings provided on the e-learning platform of the training institution		Number of participations to interner-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc…)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	62	28	NA	NA	7	4
Bosnia and Herzegovina	238	54	0	0	6	4
Montenegro	107	18	NAP	NAP	29	17
North Macedonia	316	231	0	0	22	43
Serbia	32	19	363	0	19	30
Kosovo*	96	37	0	0	0	0
WB Average	151	70	121	0	17	20

Figure 7.9 Number of participants to live trainings in 2024 (judges and prosecutors)

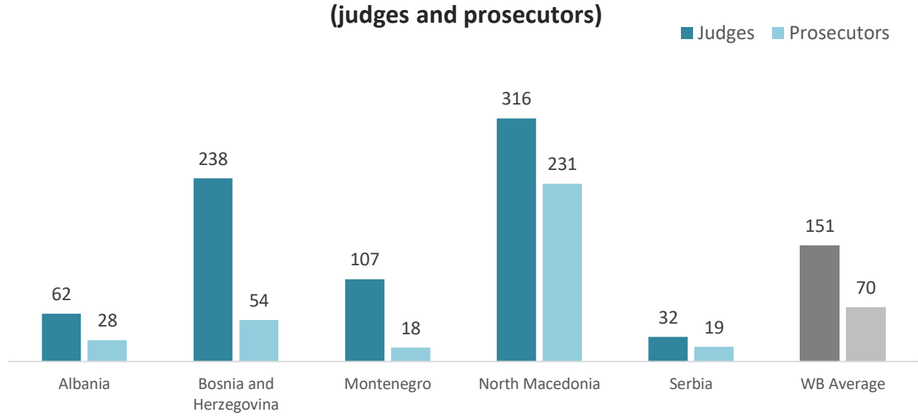


Figure 7.10 Number of participations to internet-based trainings provided on the e-learning platform of the training institution in 2024 (judges and prosecutors)

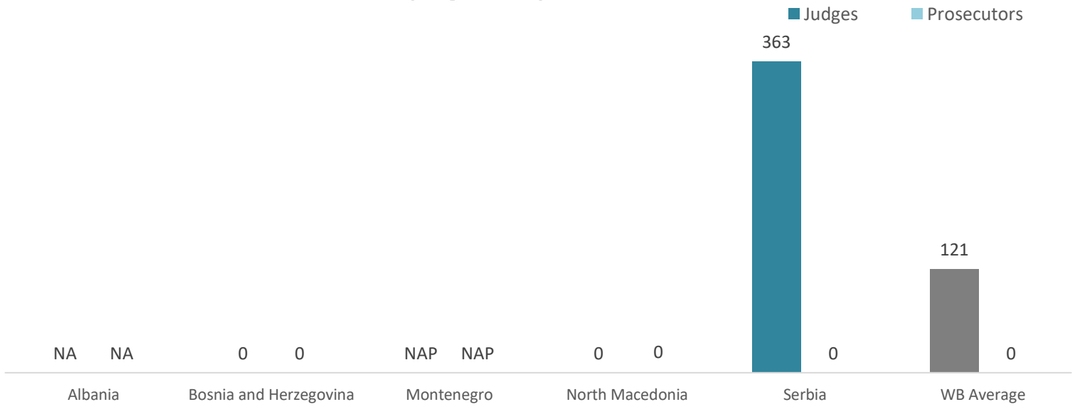
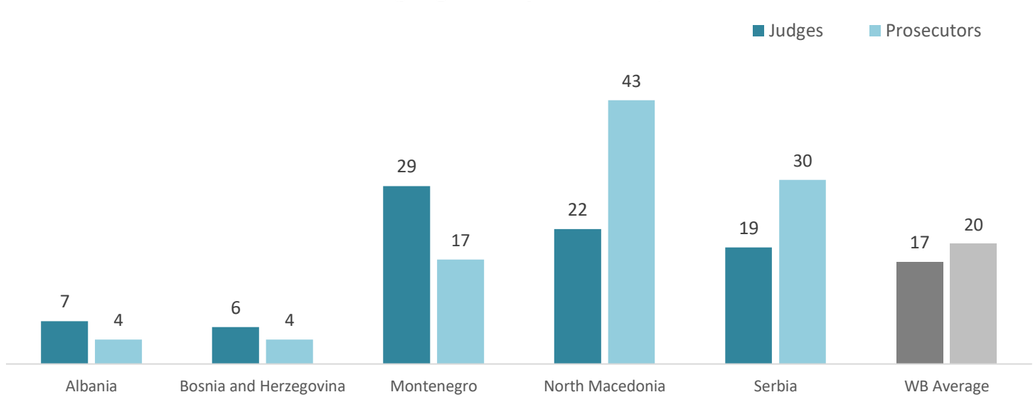


Figure 7.11 Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc…) in 2024 (judges and prosecutors)



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

7.Training - List of tables

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7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights

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Table 7.3.3 Number of participations in internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc…) in 2024 (Q154-1)

7.1 Training - Budget

Table 7.1.1 Total implemented budget of training: implemented budget of the training institution(s) and implemented courts and public prosecution services budget allocated to training in 2024 (Q4, Q6, Q142)

Beneficiaries	Total implemented budget for training covered by training institutions, court and prosecution budget (1 + 2 + 3)	Implemented budget covered by training institutions (1)	Implemented courts budget allocated to training (2)	Implemented public prosecution services budget allocated to training (3)
Albania	4 744 151 €	4 744 151 €	NAP	NAP
Bosnia and Herzegovina	871 672 €	739 433 €	113 842 €	18 397 €
Montenegro	136 888 €	135 540 €	1 348 €	NAP
North Macedonia	1 999 678 €	1 999 678 €	NAP	NAP
Serbia	6 648 763 €	6 203 957 €	444 806 €	NAP
Kosovo*	735 599 €	735 599 €	0 €	NAP
Average	2 880 230 €	2 764 552 €	186 665 €	-
Median	1 999 678 €	1 999 678 €	113 842 €	-
Minimum	136 888 €	135 540 €	1 348 €	-
Maximum	6 648 763 €	6 203 957 €	444 806 €	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

N.B.: In 2022, the total implemented budget for training covered by the training institutions also includes donors' budget

Table 7.1.2 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2019 and 2024 (Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget					Variations	
	2019	2021	2022	2023	2024	2019 - 2024 (%)	2023 - 2024 (%)
Albania	1 444 436 €	2 101 845 €	2 472 869 €	4 244 958 €	4 744 151 €	228,4%	11,8%
Bosnia and Herzegovina	NA	645 416 €	767 710 €	808 779 €	871 672 €	NA	7,8%
Montenegro	638 382 €	422 455 €	385 839 €	245 060 €	136 888 €	-78,6%	-44,1%
North Macedonia	1 134 195 €	1 193 036 €	1 744 855 €	2 213 877 €	1 999 678 €	76,3%	-9,7%
Serbia	NA	3 766 707 €	4 200 813 €	5 278 425 €	6 648 763 €	NA	26,0%
Kosovo*	€1 178 046	NA	€714 156	NA	€735 599	-37,6%	NA
Average	1 072 338 €	1 625 892 €	1 914 417 €	2 558 220 €	2 880 230 €	75,4%	-1,7%
Median	1 134 195 €	1 193 036 €	1 744 855 €	2 213 877 €	1 999 678 €	76,3%	7,8%
Minimum	638 382 €	422 455 €	385 839 €	245 060 €	136 888 €	-78,6%	-44,1%
Maximum	1 444 436 €	3 766 707 €	4 200 813 €	5 278 425 €	6 648 763 €	228,4%	26,0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

N.B.: In 2022, the total implemented budget for training covered by the training institutions also includes donors' budget

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2019 and 2024 (Q1, Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget per inhabitant					Variations	
	2019	2021	2022	2023	2024	2019 - 2024 (%)	2023 - 2024 (%)
Albania	0,51 €	0,75 €	0,89 €	1,54 €	1,72 €	238,5%	11,8%
Bosnia and Herzegovina	NA	0,19 €	0,22 €	0,24 €	0,25 €	NA	8,2%
Montenegro	1,03 €	0,68 €	0,62 €	0,39 €	0,22 €	-78,7%	-43,3%
North Macedonia	0,55 €	0,65 €	0,95 €	1,21 €	1,09 €	100,5%	-9,5%
Serbia	NA	0,55 €	0,62 €	0,79 €	1,01 €	NA	26,6%
Kosovo*	0,66 €	NA	0,39 €	NA	0,46 €	NA	NA
Average	0,69 €	0,56 €	0,66 €	0,83 €	0,86 €	86,8%	-1,2%
Median	0,55 €	0,65 €	0,62 €	0,79 €	1,01 €	100,5%	8,2%
Minimum	0,51 €	0,19 €	0,22 €	0,24 €	0,22 €	-78,7%	-43,3%
Maximum	1,03 €	0,75 €	0,95 €	1,54 €	1,72 €	238,5%	26,6%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

N.B.: In 2022, the total implemented budget for training covered by the training institutions also includes donors' budget

Table 7.1.4 Amount of the implemented budget of the training institutions funded by external donors in 2024 (Q142 and Q142-1)

Beneficiaries	Amount of the implemented budget of the training institutions funded by external donors	Implemented budget of the training institutions	Percentage of the budget of the training institution covered by external donors
Albania	NA	4 744 151 €	NA
Bosnia and Herzegovina	13 130 €	739 433 €	1,8%
Montenegro	4 838 €	135 540 €	3,6%
North Macedonia	NA	1 999 678 €	NA
Serbia	107 389 €	6 203 957 €	1,7%
Kosovo*	425 102 €	735 599 €	-
Average	41 786 €	2 764 552 €	2,4%
Median	13 130 €	1 999 678 €	1,8%
Minimum	4 838 €	135 540 €	1,7%
Maximum	107 389 €	6 203 957 €	3,6%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of

Kosovo is not included in the calculation of summary statistics*

N.B.: In 2022, the total implemented budget for training covered by the training institutions also includes donors' budget

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2024 (Q143, Q143-1, Q145 and Q145-1)

Beneficiaries	Initial training for judges	In-service training for judges																			
		General		For specialised judicial functions		For management functions		For the use of computer facilities in courts		On ethics		On child-friendly justice		On gender equality		On prevention of corruption		On conflicts of interest		Other	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Albania																					
Bosnia and Herzegovina																					
Montenegro																					
North Macedonia																					
Serbia																					
Kosovo*																					

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Type of training

NA
No training
Compulsory
Optional

Frequency

Regularly
Occasional

Table 7.2.2 Types and frequency of training courses for prosecutors in 2024 (Q144, Q144-1, Q146 and Q146-1-0)

Beneficiaries	Initial training for prosecutors	In-service training for prosecutors																			
		General		For specialised judicial functions		For management functions		For the use of computer facilities in courts		On ethics		On child-friendly justice		On gender equality		On prevention of corruption		On conflicts of interest		Other	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Albania																					
Bosnia and Herzegovina																					
Montenegro																					
North Macedonia																					
Serbia																					
Kosovo*																					

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Type of training

NA
No training
Compulsory
Optional

Frequency

Regularly
Occasional

Table 7.2.3 Minimum number of compulsory trainings for judges and prosecutors in 2024 (Q146-1)

Beneficiaries	Minimum number of compulsory trainings in 2024							
	For judges				For prosecutors			
	Initial compulsory training		In-service compulsory trainings		Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year
Albania	NAP	NAP	NAP	5	NAP	NAP	NAP	5
Bosnia and Herzegovina	11	NAP	NAP	3	11	NAP	NAP	3
Montenegro	1	128	1	2	1	128	1	2
North Macedonia	NAP	NAP	NAP	2	NAP	NAP	NAP	2
Serbia	4	NAP	NAP	NAP	4	NAP	NAP	NAP
Kosovo*	1	242	3	NA	1	253	3	NA
Average	5	-	-	3	5	-	-	3
Median	4	-	-	3	4	-	-	3
Minimum	1	-	-	2	1	-	-	2
Maximum	11	-	-	5	11	-	-	5

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2024 (Q148 and Q149)

Beneficiaries	Existence of sanctions for not attending compulsory in-service trainings in 2024	
	Judges	Prosecutors
Albania		
Bosnia and Herzegovina		
Montenegro		
North Macedonia		
Serbia		
Kosovo*		

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 7.2.5 Number of in-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2024 (Q147 and Q147-1)

Beneficiaries	Number of in-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2024																			
	Number of different available live trainings					Number of delivered live trainings					Number of days of delivered live trainings					Number of participants in live trainings				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Albania	351	132	100	55	64	382	149	114	55	64	503	170	133	100	100	4 565	1 354	2 681	80	450
Bosnia and Herzegovina	267	164	79	24	0	267	164	79	24	0	345	199	98	48	0	7 665	4 750	2 024	891	0
Montenegro	90	88	70	32	32	87	85	70	32	32	141	137	107	73	73	1 522	751	207	241	114
North Macedonia	152	104	58	33	21	208	125	71	58	43	264	161	106	58	43	4 395	1 298	753	NA	NA
Serbia	191	159	132	144	119	191	126	84	107	80	261	176	129	147	117	2 946	1 121	635	718	472
Kosovo*	276	86	47	68	75	273	84	46	68	75	362	125	76	77	84	2 752	959	297	1 019	477
Average	210	129	88	58	47	227	130	84	55	44	303	169	115	85	67	4 219	1 855	1 260	483	259
Median	191	132	79	33	32	208	126	79	55	43	264	170	107	73	73	4 395	1 298	753	480	282
Minimum	90	88	58	24	0	87	85	70	24	0	141	137	98	48	0	1 522	751	207	80	0
Maximum	351	164	132	144	119	382	164	114	107	80	503	199	133	147	117	7 665	4 750	2 681	891	472

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.2.6 Number of in-service internet-based trainings provided by the public institution(s) responsible for training and number of participants in 2024 (Q147 and Q147-1)

Beneficiaries	Internet-based trainings available on the e-learning platform of the training institution (not live) in 2024									
	Number of internet-based provided trainings					Number of participants				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Albania	1	1	1	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	0	0	0	0	0	0	0	0	0	0
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
North Macedonia	0	0	0	0	0	0	0	0	0	0
Serbia	22	6	4	14	4	743	363	120	221	39
Kosovo*	0	0	0	0	0	0	0	0	0	0
Average	6	2	1	5	1	248	121	40	74	13
Median	1	1	1	0	0	0	0	0	0	0
Minimum	0	0	0	0	0	0	0	0	0	0
Maximum	22	6	4	14	4	743	363	120	221	39

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.2.7 Number of in-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc…) and number of participants in 2024 (Q147-3)

Beneficiaries	Internet-based trainings completed on other e-learning platforms in 2024									
	Number of completed trainings					Number of participants				
	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff	Total	For judges	For prosecutors	For non-judge staff	For non-prosecutor staff
Albania	1	1	1	NA	NA	11	7	4	NA	NA
Bosnia and Herzegovina	2	2	2	2	0	29	7	6	16	0
Montenegro	9	NA	NA	NA	NA	109	29	22	30	10
North Macedonia	2	2	2	1	1	67	22	43	NA	NA
Serbia	6	3	3	0	0	49	19	30	0	0
Kosovo*	0	0	0	0	0	0	0	0	0	0
Average	4	2	2	1	0	53	17	21	15	3
Median	2	2	2	1	0	49	19	22	16	0
Minimum	1	1	1	0	0	11	7	4	0	0
Maximum	9	3	3	2	1	109	29	43	30	10

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.2.8 Number of unique participants in live (in-person, hybrid, video conference) trainings in 2024 (Q147-2)

Beneficiaries	Number of unique participants** in live (in-person, hybrid, video, video conference) trainings in 2024				
	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff
Albania	712	259	218	69	166
Bosnia and Herzegovina	1 666	1 031	360	275	0
Montenegro	346	247	99	NA	NA
North Macedonia	NA	NA	NA	NA	NA
Serbia	1 830	781	342	454	253
Kosovo*	798	285	130	248	135
Average	1 139	580	255	266	140
Median	1 189	520	280	275	166
Minimum	346	247	99	69	0
Maximum	1 830	1 031	360	454	253

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

**"Unique participants" shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Conventic

Table 7.3.1 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training and number of participating judges and prosecutors in 2024 (Q154 and Q154-1)

Beneficiaries	Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training in 2024									
	Number of live trainings in EU Law			Number of live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	Judges	Prosecutors
Albania	4	4	6	6	6	9	62	28	35	10
Bosnia and Herzegovina	2	2	3	11	11	22	238	54	238	54
Montenegro	9	9	17	12	12	20	107	18	NA	NA
North Macedonia	6	8	14	25	34	46	316	231	NA	NA
Serbia	7	7	11	8	8	9	32	19	25	13
Kosovo*	3	2	2	5	5	9	96	37	76	34
Average	6	6	10	12	14	21	151	70	99	26
Median	6	7	11	11	11	20	107	28	35	13
Minimum	2	2	3	6	6	9	32	18	25	10
Maximum	9	9	17	25	34	46	316	231	238	54

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.3.2 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), provided on the e-learning platform of the training institution in 2024 (Q154 and Q154-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2024			
	Provided on the e-learning platform of the training institutions			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Albania	NA	NA	NA	NA
Bosnia and Herzegovina	0	1	0	0
Montenegro	NAP	NAP	NAP	NAP
North Macedonia	1	1	0	0
Serbia	2	0	0	0
Kosovo*	0	0	0	0
Average	1	1	0	0
Median	1	1	0	0
Minimum	0	0	0	0
Maximum	2	1	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.3.3 Number of participations in internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc…) in 2024 (Q154-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2024	
	Completed on other e-learning platforms (HELP, EJTN, UN, etc…)	
	Number of participations	
	Judges	Prosecutors
Albania	7	4
Bosnia and Herzegovina	6	4
Montenegro	29	17
North Macedonia	22	43
Serbia	19	30
Kosovo*	0	0
Average	17	20
Median	19	17
Minimum	6	4
Maximum	29	43

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.3.4 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes and number of participating judges and prosecutors in 2024 (Q155 and Q155-1)

Beneficiaries	Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2024									
	Number of live trainings in EU Law			Number of live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	Judges	Prosecutors
Albania	3	3	5	3	5	6	55	25	21	18
Bosnia and Herzegovina	2	2	3	11	11	22	238	54	238	54
Montenegro	NA	NA	NA	1	1	2	9	3	9	3
North Macedonia	4	4	7	8	14	22	128	133	NA	NA
Serbia	7	7	11	8	8	9	90	29	77	21
Kosovo*	3	2	2	5	5	9	96	37	76	34
Average	4	4	7	6	8	12	104	49	86	24
Median	4	4	6	8	8	9	90	29	49	19,5
Minimum	2	2	3	1	1	2	9	3	9	3
Maximum	7	7	11	11	14	22	238	133	238	54

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.3.5 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2024 (Q155 and Q155-1)

Beneficiaries	Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2024			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Albania	NA	NA	NA	NA
Bosnia and Herzegovina	0	0	0	0
Montenegro	NAP	NAP	NAP	NAP
North Macedonia	0	0	0	0
Serbia	0	0	12	0
Kosovo*	0	0	0	0
Average	0	0	4	0
Median	0	0	0	0
Minimum	0	0	0	0
Maximum	0	0	12	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.3.6 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc…) in 2024 (Q155 and Q155-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc…) in 2024			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Albania	NA	NA	NA	NA
Bosnia and Herzegovina	0	1	6	4
Montenegro	2	4	29	17
North Macedonia	1	1	22	43
Serbia	3	0	19	30
Kosovo*	0	0	0	0
Average	2	2	19	24
Median	1,5	1	21	23,5
Minimum	0	0	6	4
Maximum	3	4	29	43

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2024 (Q153)

Beneficiaries	Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2024			
	Domestic violence training		Sexual violence training	
	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Albania				
Bosnia and Herzegovina				
Montenegro				
North Macedonia				
Serbia				
Kosovo*				

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 7.4.2 Assessment of future training needs and frequency of assessment in 2024 (Q155-2 and Q155-3)

Beneficiaries	Assessment of future training needs and frequency of assessment in 2024								
	Source to identify future training needs								Assessment
	Target audience itself	Previous participants in trainings	Trainers	Courts/ prosecutor's offices	Relevant judicial institutions	Ministry of Justice	Other	Comment on other	Frequency
Albania									Annual
Bosnia and Herzegovina								The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and other domestic institutions, international partners of domestic training institutions in Bosnia and Herzegovina, which are launching projects aimed at judicial reform, and relevant non-government organizations from Bosnia and Herzegovina.	Annual
Montenegro								Based on a comprehensive Training Needs Assessment Methodology developed with CoE support, using questionnaires, focus groups, interviews, legislative reviews, strategic documents, expert input and online analytics.	Annual
North Macedonia									Annual
Serbia									Annual
Kosovo*								Besides the aforementioned sources, we take into account also take the perspective of the Civil Society, media monitoring on the judiciary, the court and prosecution office working reports, recommendations from the Ombudsperson, and the national strategic documents that impact the work of the judiciary	Annual

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 7.4.3 Evaluation of the in-service trainings in 2024 (Q155-4, Q155-5, Q155-6 and Q155-7)

Beneficiaries	Evaluation of the in-service trainings in 2024													
	Existence of an evaluation of the in-service trainings (seminars, workshops, round tables)	Type of training evaluation model				Frequency of training evaluation			Use of the feedback of the training evaluation process					
		Kirkpatrick training evaluation model	A combination Kirkpatrick and other training evaluation models	Other	Comment on other	Immediately after the training is delivered	3-6 months after the training is delivered	A year or more after the training	To prepare a training evaluation report with recommendations	To improve the training course which, according to the report, needed improvements	To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	To suppress a training course	To introduce a new course	Other
Albania	Yes			Yes		Yes				Yes	Yes		Yes	
Bosnia and Herzegovina	Yes		Yes			Yes			Yes	Yes	Yes		Yes	
Montenegro	Yes		Yes			Yes				Yes		Yes	Yes	
North Macedonia	Yes	Yes				Yes				Yes	Yes		Yes	
Serbia	Yes		Yes			Yes	Yes		Yes	Yes	Yes		Yes	
Kosovo*	Yes	Yes				Yes			Yes	Yes	Yes	Yes	Yes	

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Indicator 7- Training

by country

Question 142. What is the implemented budget of the training institution(s)?
Question 143. Types of different trainings offered to judges:
Question 143-1. In-service training of judges solely dedicated to prevention of corruption and conflicts of interest
Question 144. Types of different trainings offered to public prosecutors:
Question 144-1. In-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest
Question 145. Frequency of the in-service training of judges:
Question 145-1. Frequency of the in-service training of judges solely dedicated to prevention of corruption and conflicts of interest
Question 146. Frequency of the in-service training of public prosecutors :
Question 146-1. Frequency of the in-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest
Question 146-1-0. Do you have a minimum number of compulsory trainings:
Question 147. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training
Question 147-1. Number of participants in the trainings during the reference year
Question 147-2. Number of unique participants in the trainings during the reference year
Question 147-3. Number of internet-based trainings on other e-learning platforms and number of participants
Question 153. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?
Question 154. Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories
Question 155. Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) in the reference year organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Albania
Q142 (2024): Its the same institution for both the training of judges and prosecutors. The institution in charge for the training of magistrate is School of Magistrate
Q142 (2023): The implemented budget in EURO is calculated by the average of exchange rate for the reference year 2023 that is 108.75. The budget in ALL is 461 639 120. The increase in the previous cycle can be explained by the increase of the number of candidates for magistrates attending the Initial Training Program, the increase of number of trainings of the Continuous Training Program, and the increase of salaries for the State Administration.

Q142 (2022): The amount provided by the State Budget to the School of Magistrates is 2 470 872 EURO
The total amount of funds given to the SoM by donors in 2022 is: 1 997 EURO.
Q143 (2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.
In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Q145 (2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.
In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.
Q145-1 (2024): Continuous Training Seminar on prevention of corruption and conflicts of interest are held based on the requests of judges in-service. However, they are an integral part of the continuous training calendar and have been held every year in the School of Magistrates.
Q146 (2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.
In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.
Q146-1 (2024): Duration of the initial training studies in the Albanian Magistrates School is for 3 academic years. The academic year starts on the first Monday of October and ends by the end of May the following year.
Q146-1 (2023): 195 - The first and second year of the initial training are divided in two semesters of 15 weeks each of them. A calendar year has 30 weeks, with 5 days of initial training in a week, in total 150 days of initial training in the first year, and 45 days of initial training in the second year.
Q146-1 (2022): The first and second year of the initial training are divided in two semesters of 15 weeks each of them. A calendar year has 30 weeks, with 5 days of initial training in a week, in total 150 days of initial training in the first year, and 45 days of initial training in the second year.
Q146-1-0 (2024): Continuous Training Seminar on prevention of corruption and conflicts of interest are held based on the requests of in-service prosecutors. However, they are an integral part of the continuous training calendar and have been held every year in the School of Magistrates.

Q147 (2024): Number of trainings available for non-judge and non-prosecutor staff is equal to the number of training delivered because there are no training activities that are repeated.
Q147 (2022): The total does not match as SoM does not organize trainings only for judges or only for prosecutors. In the table of training activities, trainings are defined which are addressed to a specific target group such as judges, prosecutors, judicial police officers, state lawyers, administrative staff of courts or prosecutions, chancellors, etc. but most of the training activities are open to all subjects whose law recognizes the right to be trained by the School of Magistrates. So, apart from the fact that there are trainings with a certain target group, the same trainings where judges have participated, prosecutors have also participated, especially when it comes to dealing with procedural law, where the confrontation of the prosecutor's perspective with the court is quite important. In this case, in 76 trainings for judges, there were trainings dedicated only to judges, but also trainings where there were judges, prosecutors and other subjects of the justice system.
Q147 (2021): Please note that more attention is being given to initial training, as the number of new students has substantially increased
Q147-1 (2023): The increase is explained by the increase of available and delivered training activities, as well as the increase of the number of judges and prosecutors in the system after the last two years of graduation from SoM.
Q147-1 (2021): Please note that more attention is being given to initial training, as the number of new students has substantially increased
Q153 (2024): During 2024, the SoM has trained on these topics: 22 judges, 26 prosecutors and 53 others.
Q153 (2023): The School of Magistrates organizes ongoing training with prosecutors on topics such as domestic violence and gender-based violence; obligations arising from the Istanbul Convention and the Recommendations of the Grevio Committee for the justice system. Introduction to Gender Theory, Gender theories in courtrooms, national and international context and case law, etc.

Bosnia and Herzegovina
Q142 (General Comment): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions.
Q142 (2024): There are two training institutions in Bosnia and Herzegovina which are responsible for training of judges and prosecutors in two different entities within the state. Each of these institutions is responsible for both judges and prosecutors. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed directly by external donors. Only some of the external donor funds used for this purpose are included in the budget of the training institutions.

Q142 (2023): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions.

Q142 (2022): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2022 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 281 970 EUR. Budget funds for the Center for Education of Judges and Prosecutors in the Republic of Srpska have increased as material costs rose in 2022 due to the growth of inflation. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 333 132 EUR. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions. In addition, the training institutions spent grants worth EUR 38.985,57 provided within the specific projects by the external donors in 2022, (i.e. the external donors which provided the grants were: UNICEF, the Council of Europe - SOUTH-EAST EUROPE Freedom of expression, The AIRE Centre - Advice on Individual Rights in Europe).

Q142 (2021): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2021 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 221079 Euro. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 327439 Euro. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions.
Q142 (2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2019 are as follows:
The Judicial and Prosecutorial Training Centre of Republika Srpska - 215100€ The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 386014€

Q143 (General Comment): The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.
This program lasts 4 days and covers 7 topics.
As for general in-service training, the minimum requirement for prosecutors and judges is to attend trainings at the judicial training center for at least 3 days during one year. There is no minimum requirement for prosecutors and judges to attend a certain number of trainings over the course of one year. The judicial office holders may choose between training topics related to the issues they most frequently work on.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. Furthermore, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has introduced in 2022 a mandatory managerial training for newly appointed court presidents and chief prosecutors. It includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents and 3) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity.

Q143 (2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.
Q143-1 (General Comment): Please see the general comments provided in relation to Q143.

Q144 (General Comment): The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.
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In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. Furthermore, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has introduced in 2022 a mandatory managerial training for newly appointed court presidents and chief prosecutors. It includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents and 3) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity.
Q144 (2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.
Q144-1 (General Comment): Please see the general comments provided in relation to Q144.
Q145 (General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.
Q145 (2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.
The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.
Q145-1 (General Comment): Please see the general comments provided in relation to Q143.
Q146 (General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.
Q146 (2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.
The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.

Q146-1 (General Comment): IN-SERVICE TRAINING:
The minimum requirement for prosecutors and judges is to attend trainings at the judicial training center for at least 3 days during one year. There is no minimum requirement for prosecutors and judges to attend a certain number of trainings over the course of one year. The judicial office holders may choose between training topics related to the issues they most frequently work on.
INITIAL COMPULSORY TRAINING
The newly appointed prosecutors and judges must undergo an initial training program that is consisted of 11 different trainings; typically, the program lasts for 15 days. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination. The program includes topics focused on development of relevant skills, ethics, human rights protection etc. Besides, newly appointed prosecutors receive on the job support and guidance from more experienced prosecutors (i.e. consultative prosecutors). Mentorship system for newly appointed judges is under the development.

Q146-1-0 (General Comment): Please see the general comments provided in relation to Q144.
Q147 (2024): Non-judicial staff are professional associates in courts and prosecutor's offices who attend the initial training and other seminars provided by the judicial training centers. In comparison to the previous year, there were disparities in number of participants in internet-based trainings provided on the e-learning platform of the judicial training institutions and other e-learning platforms. This was primarily due to developments related to the online module "Ethics and Integrity", which was transitioned in 2024 from the e-platform of the USAID project in Bosnia and Herzegovina "Judiciary against Corruption" to the e-platform managed by the judicial training institutions. During the transition period, it was not possible to conduct trainings on the aforementioned module. It is planned that this module will be available again in 2025. In addition, most judges and prosecutors attended training in this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. In addition, although this module was available during 2024 before the transition, judges and prosecutors did not use it for training during that period. This had to do with the fact that most judges and prosecutors had attended training on this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Training on this module is expected to continue in 2025.

Q147 (2023): Non-judicial staff are professional associates in courts and prosecutor's offices who attend the initial training and other seminars provided by the judicial training centers.
Q147 (2021): Number of in-service training courses in 2021 were provided by the institutions for the training of judges and prosecutors – please refer to the comment provided for Q142. Training courses are held in different formats: in-person, online and combined. Individual training courses last one or more days.
It should be taken into account that both judges and prosecutors took part in certain training courses (e.g. there were joint training courses aimed at enhancing the competences of criminal judges and prosecutors dealing with corruption cases, organized crime cases etc.). Non-judge staff and Non-prosecutor staff: The institutions for the training of judges and prosecutors could not provide precise data for the training courses that were at disposal to this category of participants.
Other professionals: The data in the table refers to the training courses that were available for the legal advisers working in prosecutors' offices and courts.

Q147 (2019): The number of on-line training courses was much lower in 2019 compared to 2018, because the judicial training centers did not deliver the planned on-line courses due to the lack of resources and other unforeseen circumstances.

Q147-1 (2024): In comparison to the previous year, there were disparities in number of participants in internet-based trainings provided on the e-learning platform of the judicial training institutions and other e-learning platforms. This was primarily due to developments related to the online module "Ethics and Integrity", which was transitioned in 2024 from the e-platform of the USAID project in Bosnia and Herzegovina “Judiciary against Corruption” to the e-platform managed by the judicial training institutions. During the transition period, it was not possible to conduct trainings on the aforementioned module. It is planned that this module will be available again in 2025. In addition, most judges and prosecutors attended training in this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. In addition, although this module was available during 2024 before the transition, judges and prosecutors did not use it for training during that period. This had to do with the fact that most judges and prosecutors had attended training on this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Training on this module is expected to continue in 2025.
Q147-2 (General Comment): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2022), Q28 (Number of prosecutors on 31 December 2022), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis on 31 December 2022 submitted for Q20 is not included in the data provided for Q147-2. The number of professional judges sitting in courts on 31 December 2022 (i.e. 1000) was higher than the number of unique participants of the trainings registered during 2022 (i.e. 1008), as some judges, who attended the trainings, left the judiciary before the end of the reporting year due to resignation, retirement, death etc.

Q147-2 (2024): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2024., i.e. 1044), Q28 (Number of prosecutors on 31 December 2024, i.e. 362), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis (i.e. 38 reserve judges on 1 January 2024), that used to be submitted for Q20, is not included in the data provided for Q19 and Q147-2. Data on the number of judges and prosecutors who attended training during the reporting year but left the judiciary before the end of the reporting year due to resignation, retirement, death, etc. were not excluded from Q147-2. This may lead to inconsistencies between data reported under Q147-2 with data prepared for Q19 and Q28, as the latter do not include data on judges and prosecutors who left the judiciary during the reporting year.
Non-judicial staff are professional associates in courts and prosecutor’s offices who attend the initial training and other seminars provided by the judicial training centers.

Q147-2 (2023): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2023), Q28 (Number of prosecutors on 31 December 2023), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis (i.e. 38 reserve judges on 31 December 2023), that used to be submitted for Q20, is not included in the data provided for Q19 and Q147-2.
Q147-2 (2022): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2022), Q28 (Number of prosecutors on 31 December 2022), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis on 31 December 2022 submitted for Q20 is not included in the data provided for Q147-2. The number of professional judges sitting in courts on 31 December 2022 (i.e. 1000) was higher than the number of unique participants of the trainings registered during 2022 (i.e. 1008), as some judges, who attended the trainings, left the judiciary before the end of the reporting year due to resignation, retirement, death etc.

Q147-3 (2024): In comparison to the previous year, there were disparities in number of participants in internet-based trainings provided on the e-learning platform of the judicial training institutions and other e-learning platforms. This was primarily due to developments related to the online module "Ethics and Integrity", which was transitioned in 2024 from the e-platform of the USAID project in Bosnia and Herzegovina “Judiciary against Corruption” to the e-platform managed by the judicial training institutions. During the transition period, it was not possible to conduct trainings on the aforementioned module. It is planned that this module will be available again in 2025. In addition, most judges and prosecutors attended training in this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. In addition, although this module was available during 2024 before the transition, judges and prosecutors did not use it for training during that period. This had to do with the fact that most judges and prosecutors had attended training on this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Training on this module is expected to continue in 2025.

Q153 (General Comment): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases

Q153 (2019): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases.

Q154 (2024): In 2024, the number of trainings delivered and the number of participants in trainings differed significantly compared to 2023. This occurred as a result of the implementation of the planned activities of the Judicial Training Centers in the reporting year.

Q154 (2021): The statistics provided for this question include the number of the training courses organized or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.

The abovementioned number of training courses days in 2021, pertaining to the European Union Law and the European Convention on Human Rights, was determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions’ curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2021.

Q154 (2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The names of the training institutions are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina.

The abovementioned number of training courses days in 2019, pertaining to the European Union Law and the European Convention on Human Rights, were determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions’ curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2019.

Q155 (2024): In 2024, the number of trainings delivered and the number of participants in trainings differed significantly compared to 2023. This occurred as a result of the implementation of the planned activities of the Judicial Training Centers in the reporting year.

Q155 (2021): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organized in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions. The stakeholder, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, was the German Foundation for International Legal Cooperation; the trainings covered the subject: „The relation between EU Law and national law“. The partner organizations, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: 1. The London based Advice on Individual Rights in Europe, 2. the Organization for Security and Co-operation in Europe, 3. the Women's Rights Centre, 4. Council of Europe (COE HELP), 5. Sarajevo Open Centre. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were: 1. Train the trainers: for newly appointed judges on the topic of the European Convention of Human Rights, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights, Gender (Non)equality, Recent trends in the European Court of Human Rights case law, Article 10. Right on freedom of expression, Human Rights of the LGBTIQ persons – protection and practice in the Region..

Q155 (2019): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.
The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.
2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.
The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:
1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights,
2. Gender (Non)equality,
3. Recent trends in the European Court of Human Rights case law,
4. Article 10. Right on freedom of expression.

Montenegro

Q142 (2024): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 4.838,23 € come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.
The Centre is an independent legal entity. (Article 2 paragraph 1 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)) and the only institution in charge of providing training activites to representatives of Montenegrin judiciary. The Centre organizes and implement trainings for judges and state prosecutors. Centre can also organize and implement trainings for attorneys-at-law, notaries, bailiffs, advisers, clerks and trainees in courts and state prosecution offices (hereinafter referred to as: special trainings), according to this law. (Article 3 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

Q142 (2023): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 4.838,23 € come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.
The Centre is an independent legal entity. (Article 2 paragraph 1 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)) and the only institution in charge of providing training activites to representatives of Montenegrin judiciary. The Centre organizes and implement trainings for judges and state prosecutors. Centre can also organize and implement trainings for attorneys-at-law, notaries, bailiffs, advisers, clerks and trainees in courts and state prosecution offices (hereinafter referred to as: special trainings), according to this law. (Article 3 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service. (Article 53 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

Q142 (2022): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 21,296.00€ come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.
Note: The amount of 240.540,51 € represents financial support from international and domestic partners for training activities organized in cooperation with the CTJSP). The total amount includes also donor support as recommended to be included by Cepej.

Q143 (2024): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)). The training is not compulsory for judges of specialized courts (except for the mentioned two days per year), however, the Centre for Training in Judiciary and State Prosecution in the framework of the In-service Training Program organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court and Administrative Court). The only compulsory specialized training is the training for judges for the juveniles (who are the only ones competent to act in criminal proceedings with juveniles) according to the Law on the Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with current needs and, thus, these are not compulsory.
Until the year of 2024, training on IT skills was conducted exclusively by the Judicial Council and Human Resource Management Authority, however, in 2024 Center for training began to organize trainings on IT skills, through the In-service training programme, that is intended for judges and state prosecutors.

Q143 (2023): The mandatory duration of the initial training is defined by the provision from Article 42 of the Law on the Center for Training in the Judiciary and the State Prosecutor's Office.
The initial training for candidates for judges of the basic court, that is, for candidates for state prosecutors in the basic state prosecutor's office lasts 18 months, of which six months are theoretical training and 12 months are practical training.
Converted into days of theoretical training, that is 128 days of six hours of training per training day.
The initial training for candidates for misdemeanor judges lasts nine months, of which three months are theoretical training, and six months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 60 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 44 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 20 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 16 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

Q143 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)). The training is not compulsory for judges of specialized courts (except for the mentioned two days per year), however, the Centre for Training in Judiciary and State Prosecution in the framework of the In-service Training Program organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court and Administrative Court). The only compulsory specialized training is the training for judges for the juveniles (who are the only ones competent to act in criminal proceedings with juveniles) according to the Law on the Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computer facilities in office, these training activities are organized and conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q144 (2023): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
The only compulsory specialized training is the training for state prosecutors for the juveniles (in charge of juveniles), according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computers in state prosecution offices, these training activities are organized and conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

Q144 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
The only compulsory specialized training is the training for state prosecutors for the juveniles (in charge of juveniles), according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computers in state prosecution offices, these training activities are organized and conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

Q145 (2024): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
Until the year of 2024, training on IT skills was conducted exclusively by the Judicial Council and Human Resource Management Authority, however, in 2024 Center for training began to organize trainings on IT skills, through the In-service training programme, that is intended for judges and state prosecutors.

Q145 (2023): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q145 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q145 (2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme
Q146 (2024): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
Until the year of 2024, training on IT skills was conducted exclusively by the Judicial Council and Human Resource Management Authority, however, in 2024 Center for training began to organize trainings on IT skills, through the In-service training programme, that is intended for judges and state prosecutors.

Q146 (2023): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q146 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority

Q146 (2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme

Q146-1 (2024): The mandatory duration of the initial training is defined by the provision from Article 42 of the Law on the Center for Training in the Judiciary and the State Prosecutor's Office.
That Law was amended by the Law amending and supplementing the Law on the Center for Training in the Judiciary and the State Prosecutor's Office ("Official Gazette of Montenegro", no. 054/24 of 11.06.2024).
The initial training for candidates for judges of the basic court, that is, for candidates for state prosecutors in the basic state prosecutor's office lasts 12 months, of which three months are theoretical training and nine months are practical training.
Converted into days of theoretical training, that is 63 days of six hours of training per training day.
The initial training for candidates for misdemeanor judges lasts six months, of which two months are theoretical training, and four months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 42 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 42 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 42 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

Q146-1 (2023): The mandatory duration of the initial training is defined by the provision from Article 42 of the Law on the Center for Training in the Judiciary and the State Prosecutor's Office.
The initial training for candidates for judges of the basic court, that is, for candidates for state prosecutors in the basic state prosecutor's office lasts 18 months, of which six months are theoretical training and 12 months are practical training.
Converted into days of theoretical training, that is 128 days of six hours of training per training day.
The initial training for candidates for misdemeanor judges lasts nine months, of which three months are theoretical training, and six months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 60 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 44 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 20 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 16 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

Q146-1 (2022): The mandatory duration of the initial training is defined by the provision from Article 42 of the Law on the Center for Training in the Judiciary and the State Prosecutor's Office.
The initial training for candidates for judges of the basic court, that is, for candidates for state prosecutors in the basic state prosecutor's office lasts 18 months, of which six months are theoretical training and 12 months are practical training.
Converted into days of theoretical training, that is 128 days of six hours of training per training day.
The initial training for candidates for misdemeanor judges lasts nine months, of which three months are theoretical training, and six months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 60 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 44 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 20 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 16 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

Q147 (2022): - In cooperation with HELP Programme for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals), the Centre organized 2 (two) HELP e-learning courses and participated in 1 (one) regional HELP online course:
- The first HELP online course – e-learning (21 February to 21 April 2022) - The total pf 40 participants successfully completed this course (in effective duration of 12 hours) - 8 judges, 3 state prosecutors, 12 advisors from courts, 3 advisors from state prosecution offices, 3 trainees from courts, 2 candidates for judges, 4 candidates for state prosecutors, 2 lawyers and 3 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro.
- The second HELP online course - e-learning (21 September – 21 November 2022) - The total of 38 participants successfully completed this course (in effective duration of 18 hours) – 7 judges, 1 state prosecutor, 11 advisors from courts, 5 trainees from courts, 1 candidate for a judge, 3 lawyers, 6 representatives of the Ministry of Justice of Montenegro, 3 representatives of LGBTQ organizations and 1 representative of the Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
- The regional HELP online course (29 March – 29 May 2022) organized by the Council of Europe HELP Programme and the United Nations High Commissioner for Refugees (UNHCR) – the participants herein attended separate courses in relation to the country they come from, which were translated into all languages of the Western Balkan countries and adapted to respective national legislation. The total of 11 participants successfully completed this course – 2 judges, 3 advisors from courts, 2 trainees from courts, 2 representatives of the Ministry of Justice of Montenegro, 1 representative of the Notary Office in Cetinje and 1 representative of the Ministry of Finance and Social Welfare.
The Centre participates in the activities offered by the European Judicial Training Network (EJTN) despite its status of an observer. During 2022, owing to the Centre's role of an intermediary and the invitation to participate in training activities, 19 representatives of the Montenegrin judiciary (14 judges, 2 state prosecutor, 2 trainees from courts and 1 advisor from a court) participated herein. These training activities encompassed 6 one-hour online seminars, 1 two-and-a-half-hour online seminar, 1 two-day online workshop, 2 two-day virtual study visits to the ECtHR and 1 in-person seminar.
- Finally, in 2022, owing to the role of the Centre as an intermediary and the invitation to participate in online training activities and face-to-face activities organised by foreign partners (at the regional and European level), the total of 108 representatives of Montenegrin judiciary participated in 38 training activities (51 judges, 15 special prosecutors, 18 state prosecutors, 13 candidates for a judge, 4 advisors from Special State Prosecution Office, 4 advisors from state prosecution offices, 1 advisor from a court and 2 trainees in courts). – PLEASE NOTE : This number DOES NOT include unique participants. Note: (comment ref. column 5) In total, 16,5 training days: (3 HELP courses: two 12-hour courses (4 training days) and one 18-hours course (3 training days) + EJTN two-day online workshop (2 training days), 2 EJTN two-day virtual study visits to the ECtHR (4 training days), 1 EJTN two-day in-person seminar (2 training days) + 6 one-hour online seminars and 1 two-and-a-half-hour online seminar (1 and a half training day))

Q147 (2021): - Yes, other legal professions are invited for certain trainings, the table above shows the number of trainings and days in which they were invited and participated together with judges and prosecutors.
- The Centre always organizes joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended only for judges dealing with civil matters (as well as lawyers, bailiffs, notaries, …). There were 18 training activities (5 face to face and 13 online) of this kind in 2021 and they lasted for 27 days.
- In 2021 the Centre organized 6 training activities (5 face to face and 1 online) only for prosecutors and they lasted for 12 days.
- Out of the 33 total trainings that were conducted in-person, 3 trainings were conducted in a hybrid training format.
Total - online training courses available (e learning) – 58 training days For judges - online training courses available (e learning) – 57 training days For prosecutors - online training courses available (e learning) – 38 training days For non-judge staff - online training courses available (e learning) – 28 training days For non-prosecutor staff - online training courses available (e learning) – 28 training days Training for other professionals - online training courses available (e learning) – 21 training days - Advisers from courts and state prosecution offices are allowed to participate in trainings intended for judges and state prosecutors in case that judges and state prosecutors are prevented from attending the trainings. Their participation hereof is listed in the table above. In the table above we did not include training activities organized within the Special training programme for advisers from courts and state prosecution offices (adopted on 23 December 2019). In 2021 the Centre organized 11 two-day training activities – 4 of which were conducted online (8 training days for 46 judicial advisers and 31 prosecutorial advisers), whereas 7 training activities were conducted face to face (14 training days for 85 judicial advisers and 27 prosecutorial advisers), which were attended by the total of 189 advisers form courts and state prosecution offices. In addition to the abovementioned programme, 30 advisers (23 judicial advisers and 7 prosecutorial advisers) attended another 2 training activities (4 training days) organized face to face in cooperation with the NGO “The Centre for Democracy and Human Rights” (CEDEM).
- In the table above related to online trainings, we did not include 2 HELP online courses (e-learning) due to the days of training (multi-month courses):
- The first HELP online course – e-learning (19 February – 10 May 2021) – The total of 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2 candidates for state prosecutors, 2 lawyers, 2 special pedagogues of the Professional Service of the High Courts.
- The second HELP online course – e-learning (22 September – 10 December 2021) – The total of 53 participants successfully completed this course – 16 judges, 6 advisers from courts, 4 trainees from courts, 3 trainees from state prosecution offices, 3 candidates for judges, 5 lawyers, 12 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.
- In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State

Q147-1 (2023): And 310 other participants not included in this categories

Q147-1 (2022): In addition, as per the column one 121 other participants (representatives of state institutions, law enforcement officers, lawyers, etc) undergone trough training.
Comment: The participants in the training activities also included other legal professionals, i.e. the representatives of the Ministry of Justice (and Human and Minority Rights), notary public offices, the Ministry of Finance and Social Welfare, LGBTQ organizations and Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
Note: (comment ref. column 3 - Total): The total of 108 participants in training activities includes: 31 judges, 6 prosecutors, 42 non-judge staff (3 candidates for judges + 27 advisors from courts + 12 trainees from courts), 7 non-prosecutor staff (4 candidates for state prosecutors + 3 advisors from state prosecution offices), 22 legal professionals from other public institutions (5 lawyers, 11 the Ministry of Justice (and Human and Minority Rights) + 1 notary public offices + 1 the Ministry of Finance and Social Welfare + 3 LGBTQ organizations + 1 Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
Note: (comment ref. column 3 - Non-judge staff): 3 candidates for judges + 27 advisors from courts + 12 trainees from courts.
Note: (comment ref. column 3 - Non-prosecutor staff): 4 candidates for state prosecutors + 3 advisors from state prosecution offices.
In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination ("Official Gazette of Montenegro", no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2022, the CTJSP organized training for 108 interns, of which 88 are interns in courts and 20 in state prosecutor's offices. The trainees were divided into five groups, and a total of 23 trainings were conducted (2 live and 21 online), i.e. 55 days of training.

Q147-1 (2021): This change was caused by COVID-19 pandemic. Owing to the aforementioned change, the Centre now has more modalities of training, i.e. in-person, hybrid and online training activities, which in a sense can be considered as a systematic change, or more precisely – the broadening of modalities.

Q147-3 (2024): And 18 other participants (representatives of state institutions, law enforcement officers, attorney-at-law, etc).
The participants in the training activities also included other legal professionals, i.e. attorneys-at-law, representatives of the Centre for Training in Judiciary and State Prosecution, Center for Women's Rights and the manager of the court registry.
Note (comment ref. row 1 - Total): The total of 109 participants in training activities includes: 29 judges, 22 prosecutors, 30 non-judge staff (2 candidate for a judge + 16 advisors from courts + 12 trainees from courts), 10 non-prosecutor staff (1 candidates for state prosecutors + 9 advisors from state prosecution offices), 18 legal professionals from other public institutions (15 attorneys-at-law) + 1 representative of the Centre for Training in Judiciary and State Prosecution + 1 representative of the Center for Women's Rights + 1 manager of the court registry.
Note (comment ref. row 4 - Non-judge staff): 2 candidates for judges + 16 advisors from courts + 12 trainees from courts.
Note (comment ref. row 5 - Non-prosecutor staff): 1 candidate for a state prosecutor + 9 advisors from state prosecution offices.
- In cooperation with HELP Programme for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals), the Centre organized 4 (four) HELP e-learning courses:
- The first HELP online course – e-learning (4 March to 21 April 2024) - The total of 18 participants successfully completed this course on the topic Judicial Reasoning and Human Rights (in effective duration of 20 hours) - 4 judges, 4 advisors from courts, 4 trainees from courts, 1 candidate for a judge, 4 attorneys-at-law and 1 manager of the court registry.
- The second HELP online course – e-learning (26 April to 18 July 2024) - The total of 25 participants successfully completed this course on the topic of Access to Justice for Women (in effective duration of 20 hours) - 4 judges, 5 state prosecutors, 3 advisors from courts, 2 advisors from state prosecution, 1 candidate for judges, 1 candidate for state prosecution, 7 attorneys-at-law, 1 representative of the Centre for Training in Judiciary and State Prosecution and 1 representative of the Center for Women's Rights. - The third HELP online course - e-learning (3 June – 31 July 2024) - The total of 1 participant successfully completed this course on the topic of The Importance of Quality of Justice in Mediation (in effective duration of 25 hours) – 1 judge.
- The fourth HELP online course – e-learning (4 October to 1 December 2024) - The total of 41 participant successfully completed this course on the topic of Procedural Safeguards in Criminal Proceedings and Victim's Rights (in effective duration of 26 hours) - 12 judges, 5 state prosecutors, 9 advisors from courts, 2 advisors from state prosecution, 8 trainees from courts, 4 attorneys-at-law and 1 representative of the Centre for Training in Judiciary and State Prosecution. - The Centre participates in the activities offered by the European Judicial Training Network (EJTN) within EJTN - Pilot Action on Judicial Training (Western Balkans II Project) that project was launched in March 2022 for a period of three years. It is implemented within the "IPA II Multi-country Action Programme 2020" and benefits from the financial support of the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR). The main goal of the Project is to strengthen the capacities of the judicial training institutions in the Western Balkans for delivery of effective and efficient judicial training to judges and prosecutors on the EU acquis, including on the rule of law, with a view to support the enlargement and stabilisation and association process, as well as the Western Balkan Strategy of the European Union. The Project works across two closely related components. The first component, which identifies the Serbian Judicial Academy (JA) and the Montenegrin Centre for Training in Judiciary and State Prosecution (CTJSP) as the primary beneficiaries of the action, aims to

Q153 (General Comment): The Basic State Prosecutor's Office in Kotor and the Basic State Prosecutor's Office in Bijelo Polje have prosecutors who are specially trained in the field of domestic violence and sexual violence, as well as in the particular field of domestic violence and sexual violence against juvenile victims.
The Basic State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Plav have prosecutors who are specially trained in the field of domestic violence and sexual violence.
The High State Prosecutor's Office in Bijelo Polje, the High State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Bar have specialized prosecutors for dealing with juvenile victims, in the criminal offences of domestic violence and sexual violence.

Q153 (2024): The authorized prosecutors for all criminal offenses in proceedings against minors are the state prosecutors for minors, who are specially trained to conduct such proceedings.
Q153 (2023): There are prosecutors specialized in the area of domestic violence and sexual violence. They undergone trough trainings for these topics, possess certificates and, among other, they work on cases regarding criminal offences related to these types of violence.
Q153 (2022): There are prosecutors specialized in the area of domestic violence and sexual violence. They undergone trough trainings for these topics, possess certificates and, among other, they work on cases regarding criminal offences related to these types of violence.
Q154 (2024): When it comes to trainings in the field of the European Convention on Human Rights and European Court of Human Rights case law, representatives of the Montenegrin judiciary participated in total of 12 trainings organized by the Center independently or in cooperation with the Council of Europe and the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) - Program of the US Embassy in Podgorica. A total of 203 participants took part in these trainings: 116 judges, 21 state prosecutors, 47 advisers in courts, 16 advisers in state prosecutor's offices and 32 candidates for judges.
Q154 (2021): In reference to question 154, we included all trainings that the Center organized by itself and in cooperation with other partners.
Q155 (2022): Note (comment ref. column 2 – EU law) The Centre for Training in Judiciary and State Prosecution of Montenegro and Judicial Academy of Serbia in cooperation with European Institute of Public Administration (EIPA) implemented 1 two-day training activity, i.e. regional conference on the EU Environmental Law. In total, 18 representatives of Montenegrin and Serbian judiciary participated in this activity (8 judges, 6 state prosecutors, 2 advisors from state prosecution offices and 2 representatives of Judicial Academy of Serbia).
Q155 (2021): In 2021, the Center organized trainings in cooperation with the international partners and projects as follows: - European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro; - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals); - AIRE Center from London (Advice on Individual Rights in Europe) through the project "Strengthening the rule of law and supporting authorities in Montenegro"; - EU and Council of Europe project "Freedom of expression and freedom of the media in Southeast Europe – JUFREX 2- Montenegro".
Also, in the table above we did not include that in 2021 the Centre in cooperation with - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals) organized 2 HELP e-learning courses and participated in one regional HELP online course:
- The first HELP online course – e-learning (19 February – 10 May 2021) - The total pf 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2 candidates for state prosecutors, 2 lawyers, 2 special pedagogues of the Professional Service of the High Courts.
- The second HELP online course – e-learning (22 September – 10 December 2021) - The total of 53 participants successfully completed this course – 16 judges, 6 advisers from courts, 4 trainees from courts, 3 trainees from state prosecution offices, 3 candidates for judges, 5 lawyers, 12 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.
- The regional HELP online course (9 June – 16 July 2021) organized by Council of Europe HELP Program, Regional Cooperation Council (RCC) and GIZ Open Regional Funds for South East Europe - Legal Reform. This training was implemented in English over a 2-monts period and was designed for judges and prosecutors from South East Europe (2 state prosecutors successfully finished the online course).

North Macedonia

Q142 (2022): Implemented budget from donors: 52 640 €.

Q142 (2021): The approved budget increased because in 2021 started new (eighth) generation of candidates on the Academy of judges and public prosecutors.

Q143 (2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q144 (2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q145 (2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Q146 (2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Q146-1 (2024): The initial training lasts 24 months and takes place in two phases, namely:

- first phase - theoretical teaching at the Academy lasting nine months and
- second stage - practical teaching in courts and public prosecutor's offices and others

institutions, in accordance with the initial training program lasting 15 months.

The initial training is organized in three modules. Each module contains 7 subjects, or total of 21 subjects. The first and second modules are composed of 414 hours, while the third module is composed of 207 hours. Initial training contains 1035 hours in total. One teaching hour equals 40 minutes.

The Academy conducts compulsory training for judges and public prosecutors, in accordance with Article 5 of the Rules for Continuous Training, which they must attend as soon as they are elected. The number of mandatory days of training on an annual level decreasing gradually, as the judge's /the prosecutor seniority increases. Failure to meet the required number of training days on an annual level may even lead to deducting points, i.e. obtaining a lower annual grade, which, further, may make it more difficult for the concerned judge, i.e. public prosecutor, to be promoted in the future.

According to Article 7 paragraph 4, new elected judges and public prosecutors are obliged, of their choice, to attend intensive continuous training lasting five working days, which is carried out on the basis of a specialized program (divided into two modules: criminal and civil) for mandatory continuous training. Judges/public prosecutors with up to 3 years of experience are obliged to attend a total of 10 days of training.

1-3 years of experience as a judge/prosecutor=10 days of training
3-8 years of experience as a judge/prosecutor=6 days of training
8-15 years of experience as a judge/prosecutor=4 days of training
over 15 years of experience as a judge/prosecutor=2 days of training

Q146-1 (2023): The initial training lasts 24 months and takes place in two phases, namely:
- first phase - theoretical teaching at the Academy lasting nine months and
- second stage - practical teaching in courts and public prosecutor's offices and others
institutions, in accordance with the initial training program lasting 15 months.
The initial training is organized in three modules. Each module contains 7 subjects, or total of 21 subjects. The first and second modules are composed of 414 hours, while the third module is composed of 207 hours. Initial training contains 1035 hours in total. One teaching hour equals 40 minutes.
The Academy conducts compulsory training for judges and public prosecutors, in accordance with Article 5 of the Rules for Continuous Training, which they must attend as soon as they are elected. The number of mandatory days of training on an annual level decreasing gradually, as the judge's /the prosecutor seniority increases. Failure to meet the required number of training days on an annual level may even lead to deducting points, i.e. obtaining a lower annual grade, which, further, may make it more difficult for the concerned judge, i.e. public prosecutor, to be promoted in the future.
According to Article 7 paragraph 4, new elected judges and public prosecutors are obliged, of their choice, to attend intensive continuous training lasting five working days, which is carried out on the basis of a specialized program (divided into two modules: criminal and civil) for mandatory continuous training. Judges/public prosecutors with up to 3 years of experience are obliged to attend a total of 10 days of training.
1-3 years of experience as a judge/prosecutor=10 days of training
3-8 years of experience as a judge/prosecutor=6 days of training
8-15 years of experience as a judge/prosecutor=4 days of training
over 15 years of experience as a judge/prosecutor=2 days of training
Q146-1 (2022): The initial training lasts 24 months and takes place in two phases, namely:
- first phase - theoretical teaching at the Academy lasting nine months and
- second stage - practical teaching in courts and public prosecutor's offices and others
institutions, in accordance with the initial training program lasting 15 months.
The initial training is organized in three modules. Each module contains 7 subjects, or total of 21 subjects. The first and second modules are composed of 414 hours, while the third module is composed of 207 hours. Initial training contains 1035 hours in total. One teaching hour equals 40 minutes.
The Academy conducts compulsory training for judges and public prosecutors, in accordance with Article 5 of the Rules for Continuous Training, which they must attend as soon as they are elected. The number of mandatory days of training on an annual level decreasing gradually, as the judge's /the prosecutor seniority increases. Failure to meet the required number of training days on an annual level may even lead to deducting points, i.e. obtaining a lower annual grade, which, further, may make it more difficult for the concerned judge, i.e. public prosecutor, to be promoted in the future.
According to Article 7 paragraph 4, new elected judges and public prosecutors are obliged, of their choice, to attend intensive continuous training lasting five working days, which is carried out on the basis of a specialized program (divided into two modules: criminal and civil) for mandatory continuous training. Judges/public prosecutors with up to 3 years of experience are obliged to attend a total of 10 days of training.
1-3 years of experience as a judge/prosecutor=10 days of training
3-8 years of experience as a judge/prosecutor=6 days of training
8-15 years of experience as a judge/prosecutor=4 days of training
over 15 years of experience as a judge/prosecutor=2 days of training

Q147 (2023): The decrease is due to the different needs defined in the Program for continuous training.
Q147 (2021): In 2021, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on-line. From a total of 235 delivered trainings, 69 were trainings for judges, 31 trainings for prosecutors,94 trainings were common for judges and prosecutors , 17 for non-judge staff and 0 for non-prosecutor staff, 11 trainings were organized as common for non-judges and non-prosecutors and 16 for other categories).
Because we don't have separate row for common trainings, in the total number of 160 for judges are included 66 trainings organized only for judges + 94 common trainings for judges and public prosecutors. In total number of 125 trainings for public prosecutors are included 31 trainings organized only for public prosecutors plus 94 common trainings.
In total number of 28 trainings for non-judges stuff are included 17 trainings organized for non-judges stuff plus 11 common trainings for non-judges stuff and non-prosecutors stuff.
In total number of 11 trainings for non-prosecutor stuff are included 11 from common trainings, separate trainings only for non-prosecutors were not organized.
Trainings for judges reflected in days are total 188 days (69 +17 from common trainings) Trainings for prosecutors in days are total 187 (68 +119 from common trainings), for non-judge stuff are 27 days (17+10 from common trainings) and for non-prosecutor stuff are total 10 days.
According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge and non-prosecutor staff and the days of training are therefore reflected under both categories.
In the column on -line training courses available in 2021, by the Academy were organized a total of 10 common on line trainings for judges, prosecutors, non-judge staff and non prosecutor staff. From this 10 trainings, on 2 trainings participated judges, on 1 training participated public prosecutors, 7 trainings were organized as common for judges and prosecutors.
In 2021 the number of organized trainings increased in compared to 2020 when the number decreased because of the COVID 19 situation.

Q147-1 (2024): 1552 participants is total number for non-judges and non-prosecutors for in live trainings. The Academy`s system can`t provide separate number for this category.

Q147-1 (2023): 1261 participants is total number for non-judges and non-prosecutors for in live trainings. The Academy`s system can`t provide separate number for this category.

Q147-1 (2022): 2348 participants is total number for non-judges and non-prosecutors for in live trainings, and 91 is total number for non-judge and non-prosecutor staff for e-learning training. The Academy`s system can`t provide separate number for this category.
Q147-1 (2021): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as NA. 1229 is total number for non-judge and non-prosecutor staff that participated on the trainings. Total number of participants in online training courses (e-learning) is 3 and because of the same reason it is answered as NA.
In 2021 increased the number of organized trainings which also means increased number of participants.

Q147-2 (2022): Currently, the Academy's system can process and deliver data on the total number of judges and public prosecutors, that is, the total number of judges and the total number of public prosecutors who participated in the training. It can also provide data on the total number of training sessions by topic, but it is not possible to provide data according to your requirements.
Q147-3 (2024): 2 participants is total number for non-judges and non-prosecutors. The Academy`s system can`t provide separate number for this category.

Q153 (General Comment): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.
The Academy for Judges and Public Prosecutors within the general Program for continuous training of judges and public prosecutors as well as in the Catalog for mandatory continuous training envisages and implements trainings on domestic violence and sexual violence.
The notifications submitted to the courts and prosecutor's offices for each specific training indicate the target group for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.
Q153 (2021): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.
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The notifications submitted to the courts and prosecutor's offices for each specific training indicate the target group for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.
Q154 (2021): The column that reads the number of online trainings (E-learning) is empty because the trainings took place in real time, ie they were not like e-learning trainings attached to the web and available at any time.
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Serbia
Q142 (2022): 4200813 e - total
4071987 e - from the budget of Republic of Serbia
128826 e - funded by donors
Q143 (2021): Double-checked by competent institution.
Q144 (2021): Double-checked by competent institution.
Q145 (2024): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Ofenders and Criminal Protection of Juveniles, Law on establishing facts about the status of newborn children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.
In general, the continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2023 training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

Q145 (2023): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Offenders and Criminal Protection of Juveniles, Law on establishing facts about the status of new-born children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.
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Q145 (2022): In 2022 training program covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

Q145-1 (2024): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy.
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Q146 (2022): In 2022 training programme covered the following areas: criminal, civil, labour, commercial, and administrative and misdemeanour law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

Q146-1 (2023): During initial training the users of the initial training have the obligation to pass 4 HELP courses.
Q146-1-0 (2024): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy.
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Q147 (2024): Judicial Academy is continuously working to improve its training programs, therefore there might be a discrepancy regarding the number of participants, number of trainings, different offered trainings in regards to topics etc. and it all depends on the yearly demands and expectations of the all public institutions which take active participation in our programs, both in vivo and online. Moreover, at the end of each year Judicial Academy conducts a training needs analysis which is a guiding reference for the future trainings.

Q147 (2023): In 2023 the priority of the Judicial Academy was the development and the promotion of the Academy's new distance learning platform-LMS platform as well as development of the e-learning courses and e-library. That is the reason of the decreased number of live trainings delivered in comparison to 2022.
Q147 (2022): A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the users of the initial training of the Judicial Academy at the same trainings. This is the reason why total number of all participants is higher than the sum of the number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. For example, in 2022 Judicial Academy trained, together with judges and prosecutors, 1105 police officers and 643 lawyers.
Q147 (2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19.
Double-checked by competent institution.

Q147-1 (2024): A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the beneficiaries of the initial training of the Judicial Academy at the same trainings. This is the reason why the total number of all participants is higher than the sum of the number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. The total number of participants in live is 4487 which includes all participant categories.
Judicial Academy is continuously working to improve its training programs, therefore there might be a discrepancy regarding the number of participants, number of trainings, different offered trainings in regards to topics etc. and it all depends on the yearly demands and expectations of the all public institutions which take active participation in our programs, both in vivo and online. Moreover, at the end of each year Judicial Academy conducts a training needs analysis which is a guiding reference for the future trainings.
This is the number (4487) for participants who have completed the training.

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Please consider that the total number of all participants is 4858.

Q147-1 (2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19. Double-checked by competent institution.

Q147-2 (2024): From the total number of 3128, 1298 participants are lawyers, police officers, social workers and beneficiaries of the Judicial Academy. The total number of 1830 unique participants include these categories: judges, prosecutors, non-judge staff and non-prosecutor staff.
Q147-2 (2023): With the new platform and the new internal system for gathering data, the Academy should have this statistics from the next year.
Q147-3 (2024): The total number of participants is 92, which inludes all participant categories.
Judicial Academy is continuously working to improve its training programs, therefore there might be a discrepancy regarding the number of participants, number of trainings, different offered trainings in regards to topics etc. and it all depends on the yearly demands and expectations of the all public institutions which take active participation in our programs, both in vivo and online. Moreover, at the end of each year Judicial Academy conducts a training needs analysis which is a guiding reference for the future trainings.

Q147-3 (2023): Total number of participants in internet-based trainings completed by justice professionals on other e-learning platforms (61) includes the staff of the Judicial Academy as well.

Q153 (2024): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors, and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.
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Q153 (2021): Prosecution offices have appointed, specialized prosecutors for cases of domestic violence. In addition, prosecutors and judges, in order to process cases involving juveniles (both as victims and criminal offenders) need to have a certificate, i.e. to pass a specialized training.
Q154 (2023): In 2023 the Academy has strengthened its cooperation with Academy for European Law (ERA), and with EJTN within the EU-funded project Western Balkans II. Within the same Project, in 2023 the Academy with the support of the EJTN conducted the Training Needs Analysis on the EU law. On the basis of this TNA, the Academy will deliver the trainings on EU law in 2024 and 2025.
Q155 (2024): 90% of the seminars are co-financed. The Academy covers a part of the costs and/or provide the venue and the eqiupment for the trainings. Usually the contracts for domestic experts are paid by the Judicial Academy as well.
Q155 (2023): 90% of the seminars are co-financed. The Academy covers a part of the costs and/or provide the venue and the equipment for the trainings. Usually the contracts for domestic experts are paid by the Academy as well.
Q155 (2021): All courses in 2021 are organized/financed by other stakeholders (for ex. EU funded projects).

Kosovo*

Q142 (2022): Based on the Law on the Academy of Justice, Kosovo has a joint institution that provides training for judges and prosecutors, administrative staff of courts and prosecutors' offices, as well as, according to the possibility and requirements, also for the free professions and other legal professionals.
The budget that was available for the year 2022 is a total of 660,149 euros, within which were all expenses for training, staff payments and other categories of goods and services. With the Law on the Budget of the Republic of Kosovo for the year 2022, the initial budget for this year was 660,149.00 euros, for all economic categories including salaries and wages, goods and services and municipal expenses.
The total amount of donations made for 2022 was 27,007.11 euros, from JUFREX the donation is 12,007.11 euros, of which 4,227.11 are carryovers from 2021 and 7,780.00 euros are donations this year, a donation of 15,000.00 euros was made by UNDP this year, while 24,607.11 euros were spent from the total donations for this year, and the remainder for the next year is 2,400.00 euros unspent donation from UNDP.

Q143 (General Comment): It is mandatory for the specialized functions, for leading functions, and for other aspects for sitting judges who by the Performance Evaluation Committee for judges are rated as “good” and “sufficient”. Judges with the performance rating of “good” are obliged to attend three trainings, namely training on Ethics, Case Management, and Drafting of Court Decisions. Judges that are evaluated with the rating of “Sufficient” will attend the tree aforementioned trainings as well as trainings in the areas established as findings by the Performance Evaluation Committee. Judges that receive evaluation rating above the grades of “Sufficient” and “Good” are exempt from the mandatory trainings.
Q143 (2023): NA
Q143 (2022): General training during service, or continuous training for judges as stated by the Law on the Academy of Justice is in principle voluntary, while the training quota is determined by the KJC for mandatory training within the year.
Also, for specialized functions, such as the case for a judge of the Economic Court, training is mandatory.
Training for CMIS has been mandatory training. In the reporting period, there was a training for Registers, statistical reports and dashboards of CMIS which was dedicated to the administrative staff of the courts, namely heads of the office for case management, statistical officers, administrators and assistant administrators of the courts in which they participated 35 participants from all courts.
We have highlighted the in-service training on child-friendly justice as optional for all judges, since all without exception have the opportunity to participate in training, while juvenile judges choose to continue training in this field as they are within the scope of their work competencies.
In-service ethics training is mandatory for all judges except for judges who are 2 years before retirement. However, for 2022, the Judicial Council has removed the obligation for ethics training, which is why we have emphasized that it was optional.
In addition to professional training, the program also offers interdisciplinary training, which is why judges also participate in other trainings during their service.
Q143-1 (2023): NA
Q144 (General Comment): In principle, in-service training of prosecutors is voluntary, however, during a calendar year, all prosecutors must attend at least three training sessions, one on ethics, when there are legislative changes, and when promoted or advanced from one department to another or when moving to a management position. Other cases are also based on performance evaluation by the Performance Evaluation Committee for Prosecutors.
Q144 (2023): NA

Q144 (2022): In principle, ongoing training for prosecutors is voluntary, however, during a calendar year, all prosecutors must participate in at least three (3) trainings. All trainings according to the order in the questionnaire can become mandatory if this is assessed by the Unit for review and evaluation of performance in the KPK and in cases where there are legislative changes, when the prosecutor is promoted in office as well as for professional ethics.
According to Regulation No. 01/2020 for training and professional development in the prosecutorial system, Ethics training is mandatory.
For each field according to the weight, the same description applies as for the judges.
Q144-1 (2023): NA
Q145 (2022): Continuous trainings are offered annually and judges based on the legal framework according to experience must participate in trainings according to competence from 1 day of training per year to 7 days of training. This quota is often exceeded, especially by judges at the basic level.
Specialized trainings are offered every year and are for commercial issues, prevention of corruption, domestic violence, money laundering, etc. and the participation of judges in these trainings is indisputable.
In-service training for court leadership functions (e.g. court president) is provided annually, however, on an as-needed basis.
The training program of the AD every year has as part of the training curriculum the topics according to the description in the table and in each of these trainings judges who are competent and decide the relevant cases participate.
Q146 (2024): This year, a training on prosecutorial management was held, attended by 20 participants from among the chief prosecutors, coordinating prosecutors, prosecutorial administrators and leaders from the Kosovo Prosecutorial Council.
Q146 (2022): Continuous briefings are offered every year and prosecutors participate in at least 3 trainings during the year as required by the legal framework. This quota is exceeded especially by the basic level prosecutors.
The comments provided about the frequency of training of judges also apply to prosecutors.
Q146-1 (2024): Initial compulsory training for judges includes:116 days of theoretical training in KJA
118 days of practical training in Courts, as well as 8 days of practical training in other non-judicial institutions Initial compulsory training for prosecutors includes:87 days of theoretical training in KJA
158 days of practical training in Prosecution Offices, as well as 8 days of practical training in other non-judicial institutions
Q146-1 (2022): In-service compulsory trainings - minimum number of days per year - Judges with work experience over 20 years - 2 (two) days.
Judges with work experience over 10 to 20 years - 5 (five) days.
Judges with work experience from 5 to 10 years - 6 (six) days.
Judges with experience from 3 to 5 years-7 (seven) days.
Per prosecutors the number of days is set according to the request of the KPC.
Regarding In-service compulsory trainings - minimum number of trainings per year it is indicated 1 as the minimum days and it varies from 1 to 7.
Regarding In-service compulsory trainings - minimum number of days per year it is indicated 2 and it varies from 2 to 7.
Mandatory initial training - means for newly appointed judges and prosecutors that in total they have to continue the training in 12 months, 6 months of theoretical training at the Law Academy and 6 months at the respective courts/prosecution offices where they are appointed .
During the reporting period in the framework of the trainings for judges, 206 days of training were carried out, divided into two groups (for two groups of 103 days each) because the training started in July 2022. While for the procurator, a total of 112 days of training were carried out.

Q147 (2022): -In the total number of trainings 209, there were also 114 joint trainings for judges and prosecutors, 145 continuous trainings programme, 10 trainings for free legal professions, 7 training of trainers. For non-judge staff and For non-prosecutor staff there were 33 joint trainings.
-Regarding the category Number of days of delivered live (in person, hybrid, video conference) trainings, the total number of 354 days includes 237 trainings jointly for judges and prosecutors, 35 days trainings only for judges, 10 days only for prosecutors, 36 days of trainings jointly for non-judge and non-prosecutor staff. Furthermore, there were 10 days training for free legal professions and 19 days for trainings for trainers.
Q147-1 (2023): The number of 19 trainings included 18 courses of HELP were translated into Albanian and Serbian languages and they are expected to be launched and provided for all the legal community and another course for seizing and confiscating assets, the only one that has been implemented.
Q147-1 (2022): Besides 3,810 participants judges, prosecutors, non-judge staff and non-prosecutor staff, the total number of participants at the Academy of Justice was 4,374 participants, including the participants from 139 trainings for private enforcement agents, free legal aid officers and victims' defenders, 289 other participants from the Probation Service, Kosovo Police, lawyers, Center for Social Work, Financial Intelligence Unit, etc.
Q147-2 (2022): Moreover, there were 78 (private enforcement agents, free legal aid officials and victim defender) and 286 other professionals.
Q153 (2024): In all prosecution offices of Kosovo, domestic violence coordinators are appointed from among the prosecutors. Usually, the Justice Academy when organizing trainings of this nature targets the coordinators for participation, who based on their working agenda participate in the respective trainings. This year, 16 trainings have been conducted on the criminal and civil aspects of domestic violence, in which prosecutors from all prosecution offices of the Republic of Kosovo have participated with over 25 prosecutors trained.
Q153 (2023): in all the Prosecution Offices in Kosovo there are assigned Coordinators of Domestic Violence chosen from the rank of prosecutors. Usually in these types of trainings the respective prosecutors are invited and participate
Q153 (2022): To the trainings carried out on domestic violence and training against the sexual integrity of children.
Q155 (2022): A total of 16 trainings for ECHR were carried out, 13 of them were supported by EU projects such as JUFREX, OSCE, EKOJUST and GIZ
1 training on Domestic violence and violence against women and 1 by EJTN on Freedom of Expression in the digital age were conducted by HELP, this training was conducted with the physical participation of 2 Legal Advisors from the Constitutional Court.

Indicator 7- Training

by question No.

Question 142. What is the implemented budget of the training institution(s)?
Question 143. Types of different trainings offered to judges:
Question 143-1. In-service training of judges solely dedicated to prevention of corruption and conflicts of interest
Question 144. Types of different trainings offered to public prosecutors:
Question 144-1. In-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest
Question 145. Frequency of the in-service training of judges:
Question 145-1. Frequency of the in-service training of judges solely dedicated to prevention of corruption and conflicts of interest
Question 146. Frequency of the in-service training of public prosecutors :
Question 146-1. Frequency of the in-service training of prosecutors solely dedicated to prevention of corruption and conflicts of interest
Question 146-1-0. Do you have a minimum number of compulsory trainings:
Question 147. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training
Question 147-1. Number of participants in the trainings during the reference year
Question 147-2. Number of unique participants in the trainings during the reference year
Question 147-3. Number of internet-based trainings on other e-learning platforms and number of participants
Question 153. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?
Question 154. Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories
Question 155. Number of these in-service trainings available (planned) and delivered (organised) (in total and in days) in the reference year organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects)

Question 142

Albania
(2024): Its the same institution for both the training of judges and prosecutors. The institution in charge for the training of magistrate is School of Magistrate

(2023): The implemented budget in EURO is calculated by the average of exchange rate for the reference year 2023 that is 108.75. The budget in ALL is 461 639 120. The increase in the previous cycle can be explained by the increase of the number of candidates for magistrates attending the Initial Training Program, the increase of number of trainings of the Continuous Training Program, and the increase of salaries for the State Administration.

(2022): The amount provided by the State Budget to the School of Magistrates is 2 470 872 EURO
The total amount of funds given to the SoM by donors in 2022 is: 1 997 EURO.

Bosnia and Herzegovina

(General Comment): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions.

(2024): There are two training institutions in Bosnia and Herzegovina which are responsible for training of judges and prosecutors in two different entities within the state. Each of these institutions is responsible for both judges and prosecutors. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed directly by external donors. Only some of the external donor funds used for this purpose are included in the budget of the training institutions.

(2023): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions.

(2022): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2022 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 281 970 EUR. Budget funds for the Center for Education of Judges and Prosecutors in the Republic of Srpska have increased as material costs rose in 2022 due to the growth of inflation. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 333 132 EUR. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions. In addition, the training institutions spent grants worth EUR 38.985,57 provided within the specific projects by the external donors in 2022, (i.e. the external donors which provided the grants were: UNICEF, the Council of Europe - SOUTH-EAST EUROPE Freedom of expression, The AIRE Centre - Advice on Individual Rights in Europe).

(2021): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2021 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 221079 Euro. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 327439 Euro. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions.

(2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2019 are as follows:
The Judicial and Prosecutorial Training Centre of Republika Srpska - 215100€ The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 386014€

Montenegro

(2024): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 4.838,23 € come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.
The Centre is an independent legal entity. (Article 2 paragraph 1 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)) and the only institution in charge of providing training activites to representatives of Montenegrin judiciary. The Centre organizes and implement trainings for judges and state prosecutors. Centre can also organize and implement trainings for attorneys-at-law, notaries, bailiffs, advisers, clerks and trainees in courts and state prosecution offices (hereinafter referred to as: special trainings), according to this law. (Article 3 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

(2023): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 4.838,23 € come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.
The Centre is an independent legal entity. (Article 2 paragraph 1 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)) and the only institution in charge of providing training activites to representatives of Montenegrin judiciary. The Centre organizes and implement trainings for judges and state prosecutors. Centre can also organize and implement trainings for attorneys-at-law, notaries, bailiffs, advisers, clerks and trainees in courts and state prosecution offices (hereinafter referred to as: special trainings), according to this law. (Article 3 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service. (Article 53 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

(2022): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 21,296.00€ come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.
Note: The amount of 240.540,51 € represents financial support from international and domestic partners for training activities organized in cooperation with the CTJSP). The total amount includes also donor support as recommended to be included by Cepej.

North Macedonia
(2022): Implemented budget from donors: 52 640 €.

(2021): The approved budget increased because in 2021 started new (eighth) generation of candidates on the Academy of judges and public prosecutors.

Serbia
(2022): 4200813 e - total
4071987 e - from the budget of Republic of Serbia
128826 e - funded by donors

Kosovo*
(2022): Based on the Law on the Academy of Justice, Kosovo has a joint institution that provides training for judges and prosecutors, administrative staff of courts and prosecutors' offices, as well as, according to the possibility and requirements, also for the free professions and other legal professionals.
The budget that was available for the year 2022 is a total of 660,149 euros, within which were all expenses for training, staff payments and other categories of goods and services. With the Law on the Budget of the Republic of Kosovo for the year 2022, the initial budget for this year was 660,149.00 euros, for all economic categories including salaries and wages, goods and services and municipal expenses.
The total amount of donations made for 2022 was 27,007.11 euros, from JUFREX the donation is 12,007.11 euros, of which 4,227.11 are carryovers from 2021 and 7,780.00 euros are donations this year, a donation of 15,000.00 euros was made by UNDP this year, while 24,607.11 euros were spent from the total donations for this year, and the remainder for the next year is 2,400.00 euros unspent donation from UNDP.

Question 143

Albania

(2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.
In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Bosnia and Herzegovina

(General Comment): The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.
This program lasts 4 days and covers 7 topics.
As for general in-service training, the minimum requirement for prosecutors and judges is to attend trainings at the judicial training center for at least 3 days during one year. There is no minimum requirement for prosecutors and judges to attend a certain number of trainings over the course of one year. The judicial office holders may choose between training topics related to the issues they most frequently work on.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. Furthermore, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has introduced in 2022 a mandatory managerial training for newly appointed court presidents and chief prosecutors. It includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents and 3) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity.

(2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

Montenegro

(2024): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)). The training is not compulsory for judges of specialized courts (except for the mentioned two days per year), however, the Centre for Training in Judiciary and State Prosecution in the framework of the In-service Training Program organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court and Administrative Court). The only compulsory specialized training is the training for judges for the juveniles (who are the only ones competent to act in criminal proceedings with juveniles) according to the Law on the Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with current needs and, thus, these are not compulsory.
Until the year of 2024, training on IT skills was conducted exclusively by the Judicial Council and Human Resource Management Authority, however, in 2024 Center for training began to organize trainings on IT skills, through the In-service training programme, that is intended for judges and state prosecutors.

(2023): The mandatory duration of the initial training is defined by the provision from Article 42 of the Law on the Center for Training in the Judiciary and the State Prosecutor's Office.
The initial training for candidates for judges of the basic court, that is, for candidates for state prosecutors in the basic state prosecutor's office lasts 18 months, of which six months are theoretical training and 12 months are practical training.
Converted into days of theoretical training, that is 128 days of six hours of training per training day.
The initial training for candidates for misdemeanor judges lasts nine months, of which three months are theoretical training, and six months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 60 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 44 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 20 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 16 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

(2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)). The training is not compulsory for judges of specialized courts (except for the mentioned two days per year), however, the Centre for Training in Judiciary and State Prosecution in the framework of the In-service Training Program organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court and Administrative Court). The only compulsory specialized training is the training for judges for the juveniles (who are the only ones competent to act in criminal proceedings with juveniles) according to the Law on the Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computer facilities in office, these training activities are organized and conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

North Macedonia

(2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Serbia

(2021): Double-checked by competent institution.

Kosovo*

(General Comment): It is mandatory for the specialized functions, for leading functions, and for other aspects for sitting judges who by the Performance Evaluation Committee for judges are rated as "good" and "sufficient". Judges with the performance rating of "good" are obliged to attend three trainings, namely training on Ethics, Case Management, and Drafting of Court Decisions. Judges that are evaluated with the rating of "Sufficient" will attend the tree aforementioned trainings as well as trainings in the areas established as findings by the Performance Evaluation Committee. Judges that receive evaluation rating above the grades of "Sufficient" and "Good" are exempt from the mandatory trainings.

(2023): NA

(2022): General training during service, or continuous training for judges as stated by the Law on the Academy of Justice is in principle voluntary, while the training quota is determined by the KJC for mandatory training within the year.
Also, for specialized functions, such as the case for a judge of the Economic Court, training is mandatory.
Training for CMIS has been mandatory training. In the reporting period, there was a training for Registers, statistical reports and dashboards of CMIS which was dedicated to the administrative staff of the courts, namely heads of the office for case management, statistical officers, administrators and assistant administrators of the courts in which they participated 35 participants from all courts.
We have highlighted the in-service training on child-friendly justice as optional for all judges, since all without exception have the opportunity to participate in training, while juvenile judges choose to continue training in this field as they are within the scope of their work competencies.
In-service ethics training is mandatory for all judges except for judges who are 2 years before retirement. However, for 2022, the Judicial Council has removed the obligation for ethics training, which is why we have emphasized that it was optional.
In addition to professional training, the program also offers interdisciplinary training, which is why judges also participate in other trainings during their service.

Question 143-1

Bosnia and Herzegovina
(General Comment): Please see the general comments provided in relation to Q143.

Kosovo*
(2023): NA

Question 144

Bosnia and Herzegovina

(General Comment): The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.
This program lasts 4 days and covers 7 topics.
As for general in-service training, the minimum requirement for prosecutors and judges is to attend trainings at the judicial training center for at least 3 days during one year. There is no minimum requirement for prosecutors and judges to attend a certain number of trainings over the course of one year. The judicial office holders may choose between training topics related to the issues they most frequently work on.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. Furthermore, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has introduced in 2022 a mandatory managerial training for newly appointed court presidents and chief prosecutors. It includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents and 3) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity.

(2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

Montenegro

(2023): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).
The only compulsory specialized training is the training for state prosecutors for the juveniles (in charge of juveniles), according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computers in state prosecution offices, these training activities are organized and conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

(2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
The only compulsory specialized training is the training for state prosecutors for the juveniles (in charge of juveniles), according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computers in state prosecution offices, these training activities are organized and conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

North Macedonia
(2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Serbia
(2021): Double-checked by competent institution.

Kosovo*
(General Comment): In principle, in-service training of prosecutors is voluntary, however, during a calendar year, all prosecutors must attend at least three training sessions, one on ethics, when there are legislative changes, and when promoted or advanced from one department to another or when moving to a management position. Other cases are also based on performance evaluation by the Performance Evaluation Committee for Prosecutors.

(2023): NA

(2022): In principle, ongoing training for prosecutors is voluntary, however, during a calendar year, all prosecutors must participate in at least three (3) trainings. All trainings according to the order in the questionnaire can become mandatory if this is assessed by the Unit for review and evaluation of performance in the KPK and in cases where there are legislative changes, when the prosecutor is promoted in office as well as for professional ethics.
According to Regulation No. 01/2020 for training and professional development in the prosecutorial system, Ethics training is mandatory.
For each field according to the weight, the same description applies as for the judges.

Question 144-1

Bosnia and Herzegovina

(General Comment): Please see the general comments provided in relation to Q144.

Kosovo*

(2023): NA

Question 145

Albania

(2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.
In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Bosnia and Herzegovina

(General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.

(2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.
The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.

Montenegro

(2024): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
Until the year of 2024, training on IT skills was conducted exclusively by the Judicial Council and Human Resource Management Authority, however, in 2024 Center for training began to organize trainings on IT skills, through the In-service training programme, that is intended for judges and state prosecutors.

(2023): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

(2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme

North Macedonia

(2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Serbia

(2024): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Ofenders and Criminal Protection of Juveniles, Law on establishing facts about the status of newborn children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.
In general, the continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2023 training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

(2023): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Offenders and Criminal Protection of Juveniles, Law on establishing facts about the status of new-born children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.
In general, the continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2023 training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

(2022): In 2022 training program covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

Kosovo*

(2022): Continuous trainings are offered annually and judges based on the legal framework according to experience must participate in trainings according to competence from 1 day of training per year to 7 days of training. This quota is often exceeded, especially by judges at the basic level.
Specialized trainings are offered every year and are for commercial issues, prevention of corruption, domestic violence, money laundering, etc. and the participation of judges in these trainings is indisputable.
In-service training for court leadership functions (e.g. court president) is provided annually, however, on an as-needed basis.
The training program of the AD every year has as part of the training curriculum the topics according to the description in the table and in each of these trainings judges who are competent and decide the relevant cases participate.

Question 145-1

Albania
(2024): Continuous Training Seminar on prevention of corruption and conflicts of interest are held based on the requests of judges in-service. However, they are an integral part of the continuous training calendar and have been held every year in the School of Magistrates.

Bosnia and Herzegovina
(General Comment): Please see the general comments provided in relation to Q143.

Serbia
(2024): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy.

(2023): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy.

Question 146

Albania

(2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.
In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Bosnia and Herzegovina

(General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.

(2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.
The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.

Montenegro

(2024): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).
Until the year of 2024, training on IT skills was conducted exclusively by the Judicial Council and Human Resource Management Authority, however, in 2024 Center for training began to organize trainings on IT skills, through the In-service training programme, that is intended for judges and state prosecutors.

(2023): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

(2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).
When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme

North Macedonia

(2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Serbia

(2024): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Ofenders and Criminal Protection of Juveniles, Law on establishing facts about the status of newborn children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.
In general, the continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2023 training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

(2023): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Offenders and Criminal Protection of Juveniles, Law on establishing facts about the status of new-born children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.
In general, the continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2023 training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

(2022): In 2022 training programme covered the following areas: criminal, civil, labour, commercial, and administrative and misdemeanour law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

Kosovo*

(2024): This year, a training on prosecutorial management was held, attended by 20 participants from among the chief prosecutors, coordinating prosecutors, prosecutorial administrators and leaders from the Kosovo Prosecutorial Council.

(2022): Continuous briefings are offered every year and prosecutors participate in at least 3 trainings during the year as required by the legal framework. This quota is exceeded especially by the basic level prosecutors.
The comments provided about the frequency of training of judges also apply to prosecutors.

Question 146-1

Albania

(2024): Duration of the initial training studies in the Albanian Magistrates School is for 3 academic years. The academic year starts on the first Monday of October and ends by the end of May the following year.

(2023): 195 - The first and second year of the initial training are divided in two semesters of 15 weeks each of them. A calendar year has 30 weeks, with 5 days of initial training in a week, in total 150 days of initial training in the first year, and 45 days of initial training in the second year.

(2022): The first and second year of the initial training are divided in two semesters of 15 weeks each of them. A calendar year has 30 weeks, with 5 days of initial training in a week, in total 150 days of initial training in the first year, and 45 days of initial training in the second year.

Bosnia and Herzegovina

(General Comment): IN-SERVICE TRAINING:

The minimum requirement for prosecutors and judges is to attend trainings at the judicial training center for at least 3 days during one year. There is no minimum requirement for prosecutors and judges to attend a certain number of trainings over the course of one year. The judicial office holders may choose between training topics related to the issues they most frequently work on.

INITIAL COMPULSORY TRAINING

The newly appointed prosecutors and judges must undergo an initial training program that is consisted of 11 different trainings; typically, the program lasts for 15 days. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination. The program includes topics focused on development of relevant skills, ethics, human rights protection etc. Besides, newly appointed prosecutors receive on the job support and guidance from more experienced prosecutors (i.e. consultative prosecutors). Mentorship system for newly appointed judges is under the development.

Montenegro

(2024): The mandatory duration of the initial training is defined by the provision from Article 42 of the Law on the Center for Training in the Judiciary and the State Prosecutor's Office.
That Law was amended by the Law amending and supplementing the Law on the Center for Training in the Judiciary and the State Prosecutor's Office ("Official Gazette of Montenegro", no. 054/24 of 11.06.2024).
The initial training for candidates for judges of the basic court, that is, for candidates for state prosecutors in the basic state prosecutor's office lasts 12 months, of which three months are theoretical training and nine months are practical training.
Converted into days of theoretical training, that is 63 days of six hours of training per training day.
The initial training for candidates for misdemeanor judges lasts six months, of which two months are theoretical training, and four months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 42 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 42 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 42 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

(2023): The mandatory duration of the initial training is defined by the provision from Article 42 of the Law on the Center for Training in the Judiciary and the State Prosecutor's Office.
The initial training for candidates for judges of the basic court, that is, for candidates for state prosecutors in the basic state prosecutor's office lasts 18 months, of which six months are theoretical training and 12 months are practical training.
Converted into days of theoretical training, that is 128 days of six hours of training per training day.
The initial training for candidates for misdemeanor judges lasts nine months, of which three months are theoretical training, and six months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 60 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 44 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 20 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 16 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

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The initial training for candidates for misdemeanor judges lasts nine months, of which three months are theoretical training, and six months practical training, and is conducted at the Center, that is, the Court for Misdemeanors in Podgorica.
Converted into days of theoretical training, that is 60 days of six hours of training per training day.
The initial training for candidates for judges in the Commercial Court of Montenegro lasts six months, of which 40 hours per month of theoretical training are conducted in the Center, i.e. the Commercial Court of Montenegro.
Converted into days of theoretical training, that is 44 days of six hours of training per training day.
The initial training for candidates for judges of the Administrative Court of Montenegro lasts four months, of which 20 hours per month of theoretical training are conducted in the Center, i.e. the Administrative Court of Montenegro.
Converted into days of theoretical training, it is 16 days of training of six hours per training day.
Judges and state prosecutors shall have the right and duty to attend the in-service training for at least two working days annually for which they are to apply based on their own interest. (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

North Macedonia

(2024): The initial training lasts 24 months and takes place in two phases, namely:
- first phase - theoretical teaching at the Academy lasting nine months and
- second stage - practical teaching in courts and public prosecutor's offices and others
institutions, in accordance with the initial training program lasting 15 months.
The initial training is organized in three modules. Each module contains 7 subjects, or total of 21 subjects. The first and second modules are composed of 414 hours, while the third module is composed of 207 hours. Initial training contains 1035 hours in total. One teaching hour equals 40 minutes.
The Academy conducts compulsory training for judges and public prosecutors, in accordance with Article 5 of the Rules for Continuous Training, which they must attend as soon as they are elected. The number of mandatory days of training on an annual level decreasing gradually, as the judge's /the prosecutor seniority increases. Failure to meet the required number of training days on an annual level may even lead to deducting points, i.e. obtaining a lower annual grade, which, further, may make it more difficult for the concerned judge, i.e. public prosecutor, to be promoted in the future.
According to Article 7 paragraph 4, new elected judges and public prosecutors are obliged, of their choice, to attend intensive continuous training lasting five working days, which is carried out on the basis of a specialized program (divided into two modules: criminal and civil) for mandatory continuous training. Judges/public prosecutors with up to 3 years of experience are obliged to attend a total of 10 days of training.
1-3 years of experience as a judge/prosecutor=10 days of training
3-8 years of experience as a judge/prosecutor=6 days of training
8-15 years of experience as a judge/prosecutor=4 days of training
over 15 years of experience as a judge/prosecutor=2 days of training

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- first phase - theoretical teaching at the Academy lasting nine months and
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The initial training is organized in three modules. Each module contains 7 subjects, or total of 21 subjects. The first and second modules are composed of 414 hours, while the third module is composed of 207 hours. Initial training contains 1035 hours in total. One teaching hour equals 40 minutes.
The Academy conducts compulsory training for judges and public prosecutors, in accordance with Article 5 of the Rules for Continuous Training, which they must attend as soon as they are elected. The number of mandatory days of training on an annual level decreasing gradually, as the judge's /the prosecutor seniority increases. Failure to meet the required number of training days on an annual level may even lead to deducting points, i.e. obtaining a lower annual grade, which, further, may make it more difficult for the concerned judge, i.e. public prosecutor, to be promoted in the future.
According to Article 7 paragraph 4, new elected judges and public prosecutors are obliged, of their choice, to attend intensive continuous training lasting five working days, which is carried out on the basis of a specialized program (divided into two modules: criminal and civil) for mandatory continuous training. Judges/public prosecutors with up to 3 years of experience are obliged to attend a total of 10 days of training.
1-3 years of experience as a judge/prosecutor=10 days of training
3-8 years of experience as a judge/prosecutor=6 days of training
8-15 years of experience as a judge/prosecutor=4 days of training
over 15 years of experience as a judge/prosecutor=2 days of training

Serbia
(2023): During initial training the users of the initial training have the obligation to pass 4 HELP courses.

Kosovo*
(2024): Initial compulsory training for judges includes:116 days of theoretical training in KJA
118 days of practical training in Courts, as well as 8 days of practical training in other non-judicial institutions Initial compulsory training for prosecutors includes:87 days of theoretical training in KJA
158 days of practical training in Prosecution Offices, as well as 8 days of practical training in other non-judicial institutions

(2022): In-service compulsory trainings - minimum number of days per year - Judges with work experience over 20 years - 2 (two) days.
Judges with work experience over 10 to 20 years - 5 (five) days.
Judges with work experience from 5 to 10 years - 6 (six) days.
Judges with experience from 3 to 5 years-7 (seven) days.
Per prosecutors the number of days is set according to the request of the KPC.
Regarding In-service compulsory trainings - minimum number of trainings per year it is indicated 1 as the minimum days and it varies from 1 to 7.
Regarding In-service compulsory trainings - minimum number of days per year it is indicated 2 and it varies from 2 to 7.
Mandatory initial training - means for newly appointed judges and prosecutors that in total they have to continue the training in 12 months, 6 months of theoretical training at the Law Academy and 6 months at the respective courts/prosecution offices where they are appointed .
During the reporting period in the framework of the trainings for judges, 206 days of training were carried out, divided into two groups (for two groups of 103 days each) because the training started in July 2022. While for the procurator, a total of 112 days of training were carried out.

Question 146-1-0

Albania
(2024): Continuous Training Seminar on prevention of corruption and conflicts of interest are held based on the requests of in-service prosecutors. However, they are an integral part of the continuous training calendar and have been held every year in the School of Magistrates.

Bosnia and Herzegovina
(General Comment): Please see the general comments provided in relation to Q144.

Serbia
(2024): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy.

(2023): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy.

Question 147

Albania

(2024): Number of trainings available for non-judge and non-prosecutor staff is equal to the number of training delivered because there are no training activities that are repeated.

(2022): The total does not match as SoM does not organize trainings only for judges or only for prosecutors. In the table of training activities, trainings are defined which are addressed to a specific target group such as judges, prosecutors, judicial police officers, state lawyers, administrative staff of courts or prosecutions, chancellors, etc. but most of the training activities are open to all subjects whose law recognizes the right to be trained by the School of Magistrates. So, apart from the fact that there are trainings with a certain target group, the same trainings where judges have participated, prosecutors have also participated, especially when it comes to dealing with procedural law, where the confrontation of the prosecutor's perspective with the court is quite important. In this case, in 76 trainings for judges, there were trainings dedicated only to judges, but also trainings where there were judges, prosecutors and other subjects of the justice system.

(2021): Please note that more attention is being given to initial training, as the number of new students has substantially increased

Bosnia and Herzegovina

(2024): Non-judicial staff are professional associates in courts and prosecutor’s offices who attend the initial training and other seminars provided by the judicial training centers. In comparison to the previous year, there were disparities in number of participants in internet-based trainings provided on the e-learning platform of the judicial training institutions and other e-learning platforms. This was primarily due to developments related to the online module "Ethics and Integrity", which was transitioned in 2024 from the e-platform of the USAID project in Bosnia and Herzegovina “Judiciary against Corruption” to the e-platform managed by the judicial training institutions. During the transition period, it was not possible to conduct trainings on the aforementioned module. It is planned that this module will be available again in 2025. In addition, most judges and prosecutors attended training in this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. In addition, although this module was available during 2024 before the transition, judges and prosecutors did not use it for training during that period. This had to do with the fact that most judges and prosecutors had attended training on this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Training on this module is expected to continue in 2025.

(2023): Non-judicial staff are professional associates in courts and prosecutor’s offices who attend the initial training and other seminars provided by the judicial training centers.

(2021): Number of in-service training courses in 2021 were provided by the institutions for the training of judges and prosecutors – please refer to the comment provided for Q142. Training courses are held in different formats: in-person, online and combined. Individual training courses last one or more days.
It should be taken into account that both judges and prosecutors took part in certain training courses (e.g. there were joint training courses aimed at enhancing the competences of criminal judges and prosecutors dealing with corruption cases, organized crime cases etc.). Non-judge staff and Non-prosecutor staff: The institutions for the training of judges and prosecutors could not provide precise data for the training courses that were at disposal to this category of participants.
Other professionals: The data in the table refers to the training courses that were available for the legal advisers working in prosecutors' offices and courts.

(2019): The number of on-line training courses was much lower in 2019 compared to 2018, because the judicial training centers did not deliver the planned on-line courses due to the lack of resources and other unforeseen circumstances.

Montenegro

(2022): - In cooperation with HELP Programme for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals), the Centre organized 2 (two) HELP e-learning courses and participated in 1 (one) regional HELP online course:
- The first HELP online course – e-learning (21 February to 21 April 2022) - The total pf 40 participants successfully completed this course (in effective duration of 12 hours) - 8 judges, 3 state prosecutors, 12 advisors from courts, 3 advisors from state prosecution offices, 3 trainees from courts, 2 candidates for judges, 4 candidates for state prosecutors, 2 lawyers and 3 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro.
- The second HELP online course - e-learning (21 September – 21 November 2022) - The total of 38 participants successfully completed this course (in effective duration of 18 hours) – 7 judges, 1 state prosecutor, 11 advisors from courts, 5 trainees from courts, 1 candidate for a judge, 3 lawyers, 6 representatives of the Ministry of Justice of Montenegro, 3 representatives of LGBTQ organizations and 1 representative of the Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
- The regional HELP online course (29 March – 29 May 2022) organized by the Council of Europe HELP Programme and the United Nations High Commissioner for Refugees (UNHCR) – the participants herein attended separate courses in relation to the country they come from, which were translated into all languages of the Western Balkan countries and adapted to respective national legislation. The total of 11 participants successfully completed this course – 2 judges, 3 advisors from courts, 2 trainees from courts, 2 representatives of the Ministry of Justice of Montenegro, 1 representative of the Notary Office in Cetinje and 1 representative of the Ministry of Finance and Social Welfare.
The Centre participates in the activities offered by the European Judicial Training Network (EJTN) despite its status of an observer. During 2022, owing to the Centre's role of an intermediary and the invitation to participate in training activities, 19 representatives of the Montenegrin judiciary (14 judges, 2 state prosecutor, 2 trainees from courts and 1 advisor from a court) participated herein. These training activities encompassed 6 one-hour online seminars, 1 two-and-a-half-hour online seminar, 1 two-day online workshop, 2 two-day virtual study visits to the ECtHR and 1 in-person seminar.
- Finally, in 2022, owing to the role of the Centre as an intermediary and the invitation to participate in online training activities and face-to-face activities organised by foreign partners (at the regional and European level), the total of 108 representatives of Montenegrin judiciary participated in 38 training activities (51 judges, 15 special prosecutors, 18 state prosecutors, 13 candidates for a judge, 4 advisors from Special State Prosecution Office, 4 advisors from state prosecution offices, 1 advisor from a court and 2 trainees in courts). – PLEASE NOTE : This number DOES NOT include unique participants. Note: (comment ref. column 5) In total, 16,5 training days: (3 HELP courses: two 12-hour courses (4 training days) and one 18-hours course (3 training days) + EJTN two-day online workshop (2 training days), 2 EJTN two-day virtual study visits to the ECtHR (4 training days), 1 EJTN two-day in-person seminar (2 training days) + 6 one-hour online seminars and 1 two-and-a-half-hour online seminar (1 and a half training day))

(2021): - Yes, other legal professions are invited for certain trainings, the table above shows the number of trainings and days in which they were invited and participated together with judges and prosecutors.
- The Centre always organizes joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended only for judges dealing with civil matters (as well as lawyers, bailiffs, notaries, …). There were 18 training activities (5 face to face and 13 online) of this kind in 2021 and they lasted for 27 days.
- In 2021 the Centre organized 6 training activities (5 face to face and 1 online) only for prosecutors and they lasted for 12 days.
- Out of the 33 total trainings that were conducted in-person, 3 trainings were conducted in a hybrid training format.
Total - online training courses available (e learning) – 58 training days For judges - online training courses available (e learning) – 57 training days For prosecutors - online training courses available (e learning) – 38 training days For non-judge staff - online training courses available (e learning) – 28 training days For non-prosecutor staff - online training courses available (e learning) – 28 training days Training for other professionals - online training courses available (e learning) – 21 training days - Advisers from courts and state prosecution offices are allowed to participate in trainings intended for judges and state prosecutors in case that judges and state prosecutors are prevented from attending the trainings. Their participation hereof is listed in the table above. In the table above we did not include training activities organized within the Special training programme for advisers from courts and state prosecution offices (adopted on 23 December 2019). In 2021 the Centre organized 11 two-day training activities – 4 of which were conducted online (8 training days for 46 judicial advisers and 31 prosecutorial advisers), whereas 7 training activities were conducted face to face (14 training days for 85 judicial advisers and 27 prosecutorial advisers), which were attended by the total of 189 advisers form courts and state prosecution offices. In addition to the abovementioned programme, 30 advisers (23 judicial advisers and 7 prosecutorial advisers) attended another 2 training activities (4 training days) organized face to face in cooperation with the NGO “The Centre for Democracy and Human Rights” (CEDEM).
- In the table above related to online trainings, we did not include 2 HELP online courses (e-learning) due to the days of training (multi-month courses):
- The first HELP online course – e-learning (19 February – 10 May 2021) – The total of 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2 candidates for state prosecutors, 2 lawyers, 2 special pedagogues of the Professional Service of the High Courts.
- The second HELP online course – e-learning (22 September – 10 December 2021) – The total of 53 participants successfully completed this course – 16 judges, 6 advisers from courts, 4 trainees from courts, 3 trainees from state prosecution offices, 3 candidates for judges, 5 lawyers, 12 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.
- In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State

North Macedonia
(2023): The decrease is due to the different needs defined in the Program for continuous training.

(2021): In 2021, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on-line. From a total of 235 delivered trainings, 69 were trainings for judges, 31 trainings for prosecutors,94 trainings were common for judges and prosecutors , 17 for non-judge staff and 0 for non-prosecutor staff, 11 trainings were organized as common for non-judges and non-prosecutors and 16 for other categories).
Because we don't have separate row for common trainings, in the total number of 160 for judges are included 66 trainings organized only for judges + 94 common trainings for judges and public prosecutors. In total number of 125 trainings for public prosecutors are included 31 trainings organized only for public prosecutors plus 94 common trainings.
In total number of 28 trainings for non-judges stuff are included 17 trainings organized for non-judges stuff plus 11 common trainings for non-judges stuff and non-prosecutors stuff.
In total number of 11 trainings for non-prosecutor stuff are included 11 from common trainings, separate trainings only for non-prosecutors were not organized.
Trainings for judges reflected in days are total 188 days (69 +17 from common trainings) Trainings for prosecutors in days are total 187 (68 +119 from common trainings), for non-judge stuff are 27 days (17+10 from common trainings) and for non-prosecutor stuff are total 10 days.
According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge and non-prosecutor staff and the days of training are therefore reflected under both categories.
In the column on -line training courses available in 2021, by the Academy were organized a total of 10 common on line trainings for judges, prosecutors, non-judge staff and non prosecutor staff. From this 10 trainings, on 2 trainings participated judges, on 1 training participated public prosecutors, 7 trainings were organized as common for judges and prosecutors.
In 2021 the number of organized trainings increased in compared to 2020 when the number decreased because of the COVID 19 situation.

Serbia

(2024): Judicial Academy is continuously working to improve its training programs, therefore there might be a discrepancy regarding the number of participants, number of trainings, different offered trainings in regards to topics etc. and it all depends on the yearly demands and expectations of the all public institutions which take active participation in our programs, both in vivo and online. Moreover, at the end of each year Judicial Academy conducts a training needs analysis which is a guiding reference for the future trainings.

(2023): In 2023 the priority of the Judicial Academy was the development and the promotion of the Academy's new distance learning platform-LMS platform as well as development of the e-learning courses and e-library. That is the reason of the decreased number of live trainings delivered in comparison to 2022.

(2022): A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the users of the initial training of the Judicial Academy at the same trainings. This is the reason why total number of all participants is higher than the sum of the number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. For example, in 2022 Judicial Academy trained, together with judges and prosecutors, 1105 police officers and 643 lawyers.

(2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19. Double-checked by competent institution.

Kosovo*

(2022): -In the total number of trainings 209, there were also 114 joint trainings for judges and prosecutors, 145 continuous trainings programme, 10 trainings for free legal professions, 7 training of trainers. For non-judge staff and For non-prosecutor staff there were 33 joint trainings.
-Regarding the category Number of days of delivered live (in person, hybrid, video conference) trainings, the total number of 354 days includes 237 trainings jointly for judges and prosecutors, 35 days trainings only for judges, 10 days only for prosecutors, 36 days of trainings jointly for non-judge and non-prosecutor staff. Furthermore, there were 10 days training for free legal professions and 19 days for trainings for trainers.

Question 147-1

Albania

(2023): The increase is explained by the increase of available and delivered training activities, as well as the increase of the number of judges and prosecutors in the system after the last two years of graduation from SoM.

(2021): Please note that more attention is being given to initial training, as the number of new students has substantially increased

Bosnia and Herzegovina

(2024): In comparison to the previous year, there were disparities in number of participants in internet-based trainings provided on the e-learning platform of the judicial training institutions and other e-learning platforms. This was primarily due to developments related to the online module "Ethics and Integrity", which was transitioned in 2024 from the e-platform of the USAID project in Bosnia and Herzegovina “Judiciary against Corruption” to the e-platform managed by the judicial training institutions. During the transition period, it was not possible to conduct trainings on the aforementioned module. It is planned that this module will be available again in 2025. In addition, most judges and prosecutors attended training in this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. In addition, although this module was available during 2024 before the transition, judges and prosecutors did not use it for training during that period. This had to do with the fact that most judges and prosecutors had attended training on this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Training on this module is expected to continue in 2025.

Montenegro

(2023): And 310 other participants not included in this categories

(2022): In addition, as per the column one 121 other participants (representatives of state institutions, law enforcement officers, lawyers, etc) undergone trough training.
Comment: The participants in the training activities also included other legal professionals, i.e. the representatives of the Ministry of Justice (and Human and Minority Rights), notary public offices, the Ministry of Finance and Social Welfare, LGBTQ organizations and Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
Note: (comment ref. column 3 - Total): The total of 108 participants in training activities includes: 31 judges, 6 prosecutors, 42 non-judge staff (3 candidates for judges + 27 advisors from courts + 12 trainees from courts), 7 non-prosecutor staff (4 candidates for state prosecutors + 3 advisors from state prosecution offices), 22 legal professionals from other public institutions (5 lawyers, 11 the Ministry of Justice (and Human and Minority Rights) + 1 notary public offices + 1 the Ministry of Finance and Social Welfare + 3 LGBTQ organizations + 1 Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
Note: (comment ref. column 3 - Non-judge staff): 3 candidates for judges + 27 advisors from courts + 12 trainees from courts.
Note: (comment ref. column 3 - Non-prosecutor staff): 4 candidates for state prosecutors + 3 advisors from state prosecution offices.
In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination ("Official Gazette of Montenegro", no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2022, the CTJSP organized training for 108 interns, of which 88 are interns in courts and 20 in state prosecutor's offices. The trainees were divided into five groups, and a total of 23 trainings were conducted (2 live and 21 online), i.e. 55 days of training.

(2021): This change was caused by COVID-19 pandemic. Owing to the aforementioned change, the Centre now has more modalities of training, i.e. in-person, hybrid and online training activities, which in a sense can be considered as a systematic change, or more precisely – the broadening of modalities.

North Macedonia
(2024): 1552 participants is total number for non-judges and non-prosecutors for in live trainings. The Academy`s system can`t provide separate number for this category.

(2023): 1261 participants is total number for non-judges and non-prosecutors for in live trainings. The Academy`s system can`t provide separate number for this category.

(2022): 2348 participants is total number for non-judges and non-prosecutors for in live trainings, and 91 is total number for non-judge and non-prosecutor staff for e-learning training. The Academy`s system can`t provide separate number for this category.

(2021): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as NA. 1229 is total number for non-judge and non-prosecutor staff that participated on the trainings. Total number of participants in online training courses (e-learning) is 3 and because of the same reason it is answered as NA.
In 2021 increased the number of organized trainings which also means increased number of participants.

Serbia

(2024): A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the beneficiaries of the initial training of the Judicial Academy at the same trainings. This is the reason why the total number of all participants is higher than the sum of the number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. The total number of participants in live is 4487 which includes all participant categories.
Judicial Academy is continuously working to improve its training programs, therefore there might be a discrepancy regarding the number of participants, number of trainings, different offered trainings in regards to topics etc. and it all depends on the yearly demands and expectations of the all public institutions which take active participation in our programs, both in vivo and online. Moreover, at the end of each year Judicial Academy conducts a training needs analysis which is a guiding reference for the future trainings.
This is the number (4487) for participants who have completed the training.

(2023): A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the users of the initial training of the Judicial Academy at the same trainings. That is the reason why total number of all participants is higher than the sum of the number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. In 2023 the Academy increased the participation of the future judges and prosecutors (the users of the initial training, the judicial and prosecutorial assistants) in its educational events.
Please consider that the total number of all participants is 4858.

(2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19.
Double-checked by competent institution.

Kosovo*

(2023): The number of 19 trainings included 18 courses of HELP were translated into Albanian and Serbian languages and they are expected to be launched and provided for all the legal community and another course for seizing and confiscating assets, the only one that has been implemented.

(2022): Besides 3,810 participants judges, prosecutors, non-judge staff and non-prosecutor staff, the total number of participants at the Academy of Justice was 4,374 participants, including the participants from 139 trainings for private enforcement agents, free legal aid officers and victims' defenders, 289 other participants from the Probation Service, Kosovo Police, lawyers, Center for Social Work, Financial Intelligence Unit, etc.

Question 147-2

Bosnia and Herzegovina

(General Comment): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2022), Q28 (Number of prosecutors on 31 December 2022), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis on 31 December 2022 submitted for Q20 is not included in the data provided for Q147-2. The number of professional judges sitting in courts on 31 December 2022 (i.e. 1000) was higher than the number of unique participants of the trainings registered during 2022 (i.e. 1008), as some judges, who attended the trainings, left the judiciary before the end of the reporting year due to resignation, retirement, death etc.

(2024): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2024., i.e. 1044), Q28 (Number of prosecutors on 31 December 2024, i.e. 362), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis (i.e. 38 reserve judges on 1 January 2024), that used to be submitted for Q20, is not included in the data provided for Q19 and Q147-2. Data on the number of judges and prosecutors who attended training during the reporting year but left the judiciary before the end of the reporting year due to resignation, retirement, death, etc. were not excluded from Q147-2. This may lead to inconsistencies between data reported under Q147-2 with data prepared for Q19 and Q28, as the latter do not include data on judges and prosecutors who left the judiciary during the reporting year.
Non-judicial staff are professional associates in courts and prosecutor’s offices who attend the initial training and other seminars provided by the judicial training centers.

(2023): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2023), Q28 (Number of prosecutors on 31 December 2023), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis (i.e. 38 reserve judges on 31 December 2023), that used to be submitted for Q20, is not included in the data provided for Q19 and Q147-2.

(2022): Court presidents and chief prosecutors are counted in the number of judges and prosecutors delivered for: Q19 (Number of professional judges sitting in courts on 31 December 2022), Q28 (Number of prosecutors on 31 December 2022), and Q147-2 (Number of unique participants of the trainings during the reference year). The number of professional judges sitting in courts on an occasional basis on 31 December 2022 submitted for Q20 is not included in the data provided for Q147-2. The number of professional judges sitting in courts on 31 December 2022 (i.e. 1000) was higher than the number of unique participants of the trainings registered during 2022 (i.e. 1008), as some judges, who attended the trainings, left the judiciary before the end of the reporting year due to resignation, retirement, death etc.

North Macedonia

(2022): Currently, the Academy's system can process and deliver data on the total number of judges and public prosecutors, that is, the total number of judges and the total number of public prosecutors who participated in the training. It can also provide data on the total number of training sessions by topic, but it is not possible to provide data according to your requirements.

Serbia

(2024): From the total number of 3128, 1298 participants are lawyers, police officers, social workers and beneficiaries of the Judicial Academy. The total number of 1830 unique participants include these categories: judges, prosecutors, non-judge staff and non-prosecutor staff.

(2023): With the new platform and the new internal system for gathering data, the Academy should have this statistics from the next year.

Kosovo*

(2022): Moreover, there were 78 (private enforcement agents, free legal aid officials and victim defender) and 286 other professionals.

Question 147-3

Bosnia and Herzegovina

(2024): In comparison to the previous year, there were disparities in number of participants in internet-based trainings provided on the e-learning platform of the judicial training institutions and other e-learning platforms. This was primarily due to developments related to the online module "Ethics and Integrity", which was transitioned in 2024 from the e-platform of the USAID project in Bosnia and Herzegovina “Judiciary against Corruption” to the e-platform managed by the judicial training institutions. During the transition period, it was not possible to conduct trainings on the aforementioned module. It is planned that this module will be available again in 2025. In addition, most judges and prosecutors attended training in this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. In addition, although this module was available during 2024 before the transition, judges and prosecutors did not use it for training during that period. This had to do with the fact that most judges and prosecutors had attended training on this module during 2023, in accordance with the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Training on this module is expected to continue in 2025.

Montenegro

(2024): And 18 other participants (representatives of state institutions, law enforcement officers, attorney-at-law, etc).

The participants in the training activities also included other legal professionals, i.e. attorneys-at-law, representatives of the Centre for Training in Judiciary and State Prosecution, Center for Women's Rights and the manager of the court registry.

Note (comment ref. row 1 - Total): The total of 109 participants in training activities includes: 29 judges, 22 prosecutors, 30 non-judge staff (2 candidate for a judge + 16 advisors from courts + 12 trainees from courts), 10 non-prosecutor staff (1 candidates for state prosecutors + 9 advisors from state prosecution offices), 18 legal professionals from other public institutions (15 attorneys-at-law) + 1 representative of the Centre for Training in Judiciary and State Prosecution + 1 representative of the Center for Women's Rights + 1 manager of the court registry.

Note (comment ref. row 4 - Non-judge staff): 2 candidates for judges + 16 advisors from courts + 12 trainees from courts.

Note (comment ref. row 5 - Non-prosecutor staff): 1 candidate for a state prosecutor + 9 advisors from state prosecution offices.

- In cooperation with HELP Programme for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals), the Centre organized 4 (four) HELP e-learning courses:

- The first HELP online course – e-learning (4 March to 21 April 2024) - The total of 18 participants successfully completed this course on the topic Judicial Reasoning and Human Rights (in effective duration of 20 hours) - 4 judges, 4 advisors from courts, 4 trainees from courts, 1 candidate for a judge, 4 attorneys-at-law and 1 manager of the court registry.

- The second HELP online course – e-learning (26 April to 18 July 2024) - The total of 25 participants successfully completed this course on the topic of Access to Justice for Women (in effective duration of 20 hours) - 4 judges, 5 state prosecutors, 3 advisors from courts, 2 advisors from state prosecution, 1 candidate for judges, 1 candidate for state prosecution, 7 attorneys-at-law, 1 representative of the Centre for Training in Judiciary and State Prosecution and 1 representative of the Center for Women's Rights. - The third HELP online course - e-learning (3 June – 31 July 2024) - The total of 1 participant successfully completed this course on the topic of The Importance of Quality of Justice in Mediation (in effective duration of 25 hours) – 1 judge.

- The fourth HELP online course – e-learning (4 October to 1 December 2024) - The total of 41 participant successfully completed this course on the topic of Procedural Safeguards in Criminal Proceedings and Victim's Rights (in effective duration of 26 hours) - 12 judges, 5 state prosecutors, 9 advisors from courts, 2 advisors from state prosecution, 8 trainees from courts, 4 attorneys-at-law and 1 representative of the Centre for Training in Judiciary and State Prosecution. - The Centre participates in the activities offered by the European Judicial Training Network (EJTN) within EJTN - Pilot Action on Judicial Training (Western Balkans II Project) that project was launched in March 2022 for a period of three years. It is implemented within the "IPA II Multi-country Action Programme 2020" and benefits from the financial support of the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR). The main goal of the Project is to strengthen the capacities of the judicial training institutions in the Western Balkans for delivery of effective and efficient judicial training to judges and prosecutors on the EU acquis, including on the rule of law, with a view to support the enlargement and stabilisation and association process, as well as the Western Balkan Strategy of the European Union. The Project works across two closely related components. The first component, which identifies the Serbian Judicial Academy (JA) and the Montenegrin Centre for Training in Judiciary and State Prosecution (CTJSP) as the primary beneficiaries of the action, aims to

North Macedonia

(2024): 2 participants is total number for non-judges and non-prosecutors. The Academy`s system can`t provide separate number for this category.

Serbia

(2024): The total number of participants is 92, which inludes all participant categories.
Judicial Academy is continuously working to improve its training programs, therefore there might be a discrepancy regarding the number of participants, number of trainings, different offered trainings in regards to topics etc. and it all depends on the yearly demands and expectations of the all public institutions which take active participation in our programs, both in vivo and online. Moreover, at the end of each year Judicial Academy conducts a training needs analysis which is a guiding reference for the future trainings.

(2023): Total number of participants in internet-based trainings completed by justice professionals on other e-learning platforms (61) includes the staff of the Judicial Academy as well.

Question 153

Albania

(2024): During 2024, the SoM has trained on these topics: 22 judges, 26 prosecutors and 53 others.

(2023): The School of Magistrates organizes ongoing training with prosecutors on topics such as domestic violence and gender-based violence; obligations arising from the Istanbul Convention and the Recommendations of the Grevio Committee for the justice system. Introduction to Gender Theory, Gender theories in courtrooms, national and international context and case law, etc.

Bosnia and Herzegovina

(General Comment): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases

(2019): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases.

Montenegro

(General Comment): The Basic State Prosecutor's Office in Kotor and the Basic State Prosecutor's Office in Bijelo Polje have prosecutors who are specially trained in the field of domestic violence and sexual violence, as well as in the particular field of domestic violence and sexual violence against juvenile victims.
The Basic State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Plav have prosecutors who are specially trained in the field of domestic violence and sexual violence.
The High State Prosecutor's Office in Bijelo Polje, the High State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Bar have specialized prosecutors for dealing with juvenile victims, in the criminal offences of domestic violence and sexual violence.

(2024): The authorized prosecutors for all criminal offenses in proceedings against minors are the state prosecutors for minors, who are specially trained to conduct such proceedings.

(2023): There are prosecutors specialized in the area of domestic violence and sexual violence. They undergone trough trainings for these topics, possess certificates and, among other, they work on cases regarding criminal offences related to these types of violence.

(2022): There are prosecutors specialized in the area of domestic violence and sexual violence. They undergone trough trainings for these topics, possess certificates and, among other, they work on cases regarding criminal offences related to these types of violence.

North Macedonia

(General Comment): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.
The Academy for Judges and Public Prosecutors within the general Program for continuous training of judges and public prosecutors as well as in the Catalog for mandatory continuous training envisages and implements trainings on domestic violence and sexual violence.
The notifications submitted to the courts and prosecutor's offices for each specific training indicate the target group for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.

(2021): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.
The Academy for Judges and Public Prosecutors within the general Program for continuous training of judges and public prosecutors as well as in the Catalog for mandatory continuous training envisages and implements trainings on domestic violence and sexual violence.
The notifications submitted to the courts and prosecutor's offices for each specific training indicate the target group for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.

Serbia

(2024): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors, and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

(2023): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors, and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

(2022): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

(2021): Prosecution offices have appointed, specialized prosecutors for cases of domestic violence. In addition, prosecutors and judges, in order to process cases involving juveniles (both as victims and criminal offenders) need to have a certificate, i.e. to pass a specialized training.

Kosovo*

(2024): In all prosecution offices of Kosovo, domestic violence coordinators are appointed from among the prosecutors. Usually, the Justice Academy when organizing trainings of this nature targets the coordinators for participation, who based on their working agenda participate in the respective trainings. This year, 16 trainings have been conducted on the criminal and civil aspects of domestic violence, in which prosecutors from all prosecution offices of the Republic of Kosovo have participated with over 25 prosecutors trained.

(2023): in all the Prosecution Offices in Kosovo there are assigned Coordinators of Domestic Violence chosen from the rank of prosecutors. Usually in these types of trainings the respective prosecutors are invited and participate

(2022): To the trainings carried out on domestic violence and training against the sexual integrity of children.

Question 154

Bosnia and Herzegovina

(2024): In 2024, the number of trainings delivered and the number of participants in trainings differed significantly compared to 2023. This occurred as a result of the implementation of the planned activities of the Judicial Training Centers in the reporting year.

(2021): The statistics provided for this question include the number of the training courses organized or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.
The abovementioned number of training courses days in 2021, pertaining to the European Union Law and the European Convention on Human Rights, was determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions' curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2021.

(2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The names of the training institutions are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina.
The abovementioned number of training courses days in 2019, pertaining to the European Union Law and the European Convention on Human Rights, were determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions' curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2019.

Montenegro

(2024): When it comes to trainings in the field of the European Convention on Human Rights and European Court of Human Rights case law, representatives of the Montenegrin judiciary participated in total of 12 trainings organized by the Center independently or in cooperation with the Council of Europe and the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) - Program of the US Embassy in Podgorica. A total of 203 participants took part in these trainings: 116 judges, 21 state prosecutors, 47 advisers in courts, 16 advisers in state prosecutor's offices and 32 candidates for judges.

(2021): In reference to question 154, we included all trainings that the Center organized by itself and in cooperation with other partners.

North Macedonia

(2021): The column that reads the number of online trainings (E-learning) is empty because the trainings took place in real time, ie they were not like e-learning trainings attached to the web and available at any time.

Serbia

(2023): In 2023 the Academy has strengthened its cooperation with Academy for European Law (ERA), and with EJTN within the EU-funded project Western Balkans II. Within the same Project, in 2023 the Academy with the support of the EJTN conducted the Training Needs Analysis on the EU law. On the basis of this TNA, the Academy will deliver the trainings on EU law in 2024 and 2025.

Question 155

Bosnia and Herzegovina

(2024): In 2024, the number of trainings delivered and the number of participants in trainings differed significantly compared to 2023. This occurred as a result of the implementation of the planned activities of the Judicial Training Centers in the reporting year.

(2021): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organized in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions. The stakeholder, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, was the German Foundation for International Legal Cooperation; the trainings covered the subject: „The relation between EU Law and national law“. The partner organizations, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: 1. The London based Advice on Individual Rights in Europe, 2. the Organization for Security and Co-operation in Europe, 3. the Women's Rights Centre, 4. Council of Europe (COE HELP), 5. Sarajevo Open Centre. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were: 1. Train the trainers: for newly appointed judges on the topic of the European Convention of Human Rights, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights, Gender (Non)equality, Recent trends in the European Court of Human Rights case law, Article 10. Right on freedom of expression, Human Rights of the LGBTIQ persons – protection and practice in the Region..

(2019): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.
The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.
2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.
The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:
1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights,
2. Gender (Non)equality,
3. Recent trends in the European Court of Human Rights case law,
4. Article 10. Right on freedom of expression.

Montenegro
(2022): Note (comment ref. column 2 – EU law) The Centre for Training in Judiciary and State Prosecution of Montenegro and Judicial Academy of Serbia in cooperation with European Institute of Public Administration (EIPA) implemented 1 two-day training activity, i.e. regional conference on the EU Environmental Law. In total, 18 representatives of Montenegrin and Serbian judiciary participated in this activity (8 judges, 6 state prosecutors, 2 advisors from state prosecution offices and 2 representatives of Judicial Academy of Serbia).

(2021): In 2021, the Center organized trainings in cooperation with the international partners and projects as follows: - European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro; - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals); - AIRE Center from London (Advice on Individual Rights in Europe) through the project "Strengthening the rule of law and supporting authorities in Montenegro"; - EU and Council of Europe project "Freedom of expression and freedom of the media in Southeast Europe – JUFREX 2- Montenegro".
Also, in the table above we did not include that in 2021 the Centre in cooperation with - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals) organized 2 HELP e-learning courses and participated in one regional HELP online course:
- The first HELP online course – e-learning (19 February – 10 May 2021) - The total pf 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2 candidates for state prosecutors, 2 lawyers, 2 special pedagogues of the Professional Service of the High Courts.
- The second HELP online course – e-learning (22 September – 10 December 2021) - The total of 53 participants successfully completed this course – 16 judges, 6 advisers from courts, 4 trainees from courts, 3 trainees from state prosecution offices, 3 candidates for judges, 5 lawyers, 12 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.
- The regional HELP online course (9 June – 16 July 2021) organized by Council of Europe HELP Program, Regional Cooperation Council (RCC) and GIZ Open Regional Funds for South East Europe - Legal Reform. This training was implemented in English over a 2-monts period and was designed for judges and prosecutors from South East Europe (2 state prosecutors successfully finished the online course).

North Macedonia

(2021): The column that reads the number of online trainings (E-learning) is empty because the trainings took place in real time, ie they were not like e-learning trainings attached to the web and available at any time.

Serbia

(2024): 90% of the seminars are co-financed. The Academy covers a part of the costs and/or provide the venue and the eqiupment for the trainings. Usually the contracts for domestic experts are paid by the Judicial Academy as well.

(2023): 90% of the seminars are co-financed. The Academy covers a part of the costs and/or provide the venue and the equipment for the trainings. Usually the contracts for domestic experts are paid by the Academy as well.

(2021): All courses in 2021 are organized/financed by other stakeholders (for ex. EU funded projects).

Kosovo*

(2022): A total of 16 trainings for ECHR were carried out, 13 of them were supported by EU projects such as JUFREX, OSCE, EKOJUST and GIZ
1 training on Domestic violence and violence against women and 1 by EJTN on Freedom of Expression in the digital age were conducted by HELP, this training was conducted with the physical participation of 2 Legal Advisors from the Constitutional Court.

8. Accountability and processes affecting public trust - Overview

Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges and prosecutors in 2024 (Tables 8.9.5 and 8.9.10)

Beneficiaries	Disciplinary proceedings and sanctions against judges and prosecutors in 2024					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	6	5	5	3	6	5
Bosnia and Herzegovina	31	8	20	11	16	11
Montenegro	7	3	4	5	0	0
North Macedonia	79	3	57	2	3	0
Serbia	10	0	4	0	0	0
Kosovo*	10	6	6	4	3	9
WB Average	27	4	18	4	5	3

Figure 8.1 Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024 (per 100 judges)

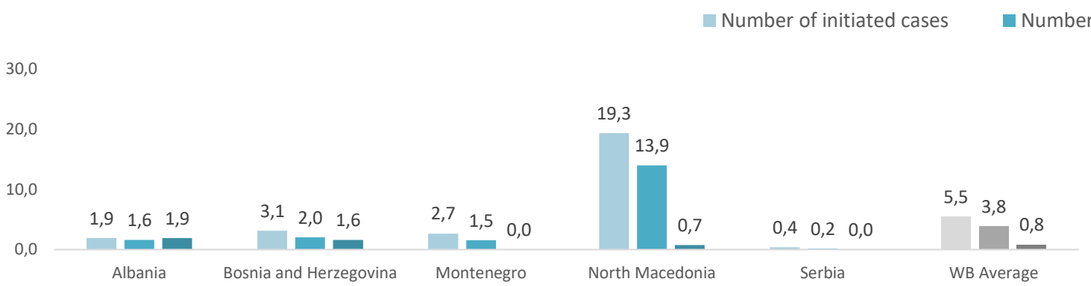
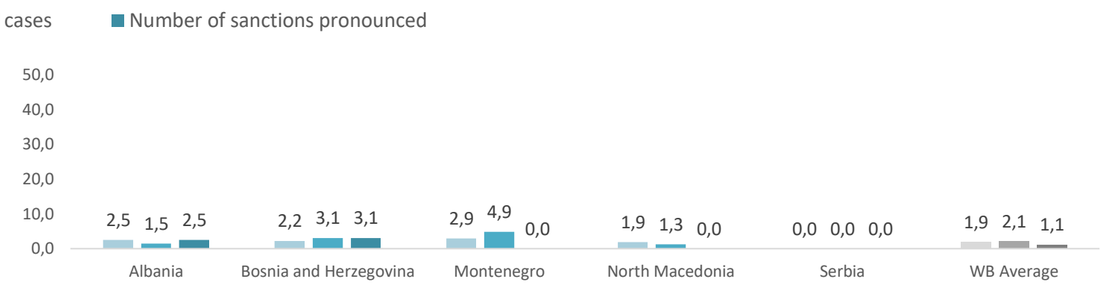


Figure 8.2 Total number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024 (per 100 prosecutors)



Number of criminal cases against judges and prosecutors in 2024 (Table 8.4.2)

Beneficiaries	Number of criminal cases and sanctions against judges and prosecutors in 2024					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	NA	1	NA	NA	NA	NA
Bosnia and Herzegovina	2	1	1	1	1	0
Montenegro	0	0	0	0	0	0
North Macedonia	0	0	0	0	0	0
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	2	9	4	11	0	0
WB Average	1	1	0	0	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8. Accountability and processes affecting public trust - List of tables

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensation granted by specific circumstances in 2024 (Q156)

Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2024 (Q156)

Table 8.1.3 Authorities responsible for dealing with the compensation requests and legal time limit to deal with these requests in 2024 (Q156-1)

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge, total number of initiated procedures and total number of pronounced recusals in 2024 (Q160 and Q161)

8.3 Public prosecution services - status

Table 8.3.1 Status of public prosecution services in 2024 (Q162-0)

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2024 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2024 (Q164 and Q166)

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2024 (Q171)

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2024 (Q172-0)

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2024 (Q182)

8.5 Code of ethics for judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2024 (Q172 and Q173-1)

Table 8.5.2 Code of ethics for prosecutors in 2024 (Q174 and Q175-1)

Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2024 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and Q181-1)

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2024 (Q183, Q184)

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2024 (Q185, Q186, Q187 and Q188)

Table 8.6.3 Number of reassignments of court cases processed in 2024 (Q185-1)

8. Accountability and processes affecting public trust - List of tables

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2024: law(s) and regulation(s) that require a declaration (Q190 and Q192)

Table 8.7.2 Declaration of assets for judges in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Table 8.7.3 Declaration of assets for judges in 2024: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Table 8.7.4 Declaration of assets for judges in 2024: sanctions in case of non-declaration (Q201)

Table 8.7.5 Declaration of assets for prosecutors in 2024: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Table 8.7.6 Declaration of assets for prosecutors in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Table 8.7.7 Declaration of assets for prosecutors in 2024: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Table 8.7.8 Declaration of assets for prosecutors in 2024: sanctions in case of non-declaration (Q214)

Table 8.7.9 Declaration of assets for judges an prosecutors in 2024: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2024 (Q217)

Table 8.8.2 Other functions/activities carried out by judges in 2024 (Q218, Q219, Q220 and Q221)

Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2024 (Q222 and Q223)

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2024 (Q226)

Table 8.8.5 Other functions/activities carried out by prosecutors in 2024 (Q227, Q228, Q229 and Q230)

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2024 (Q231 and Q232)

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2024 (Q224 and Q233)

8. Accountability and processes affecting public trust - List of tables

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of a disciplinary procedure against judges in 2024 (Q234)

Table 8.9.2 Authority with disciplinary power over judges in 2024 (Q235)

Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal in 2024 (Q236, Q240 and Q241)

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2024 (Q242)

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024 (Q237, Q238 and Q239)

Table 8.9.6 Description of professional inadequacy for judges in 2024 (Q237 and Q237-1)

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2024 (Q243)

Table 8.9.8 Authority with disciplinary power over prosecutors in 2024 (Q244)

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal in 2024 (Q245, Q250 and Q251)

Table 8.9.10 Number of initiated and compleated disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024 (Q246, Q247 and Q248)

Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensation granted by specific circumstances in 2024 (Q156)

Beneficiaries	System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2024											
	Total number of requests for compensation	Total number of compensations granted	Specific circumstances									
			Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other circumstances	
			Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	5 584	279	273	172	44	10	267	29	398	2	4 602	66
Montenegro	NA	NA	74	40	NA	NA	46	2	NA	NA	NAP	NAP
North Macedonia	NA	55	126	52	NAP	NAP	NA	2	NA	1	NAP	NAP
Serbia	3 261	3 261	3 261	3 261	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Kosovo*	227	250	NAP	NAP	NAP	NAP	227	250	NA	NA	NAP	NAP
Average	-	1 198	934	881	-	-	-	11	-	-	-	-
Median	-	279	200	112	-	-	-	2	-	-	-	-
Minimum	-	55	74	40	-	-	-	2	-	-	-	-
Maximum	-	3 261	3 261	3 261	-	-	-	29	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.1.2 System for compensating users: amounts granted by specific circumstances in 2024 (Q156)

Beneficiaries	System for compensating users: amounts granted by specific circumstances in 2024										
	Total amount (1+...+5)	Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other circumstances	
		Amount in € (1)	As % of Total amount	Amount in € (2)	As % of Total amount	Amount in € (3)	As % of Total amount	Amount in € (4)	As % of Total amount	Amount in € (5)	As % of Total amount
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	1 202 604 €	291 947 €	24,3%	1 330 €	0,1%	909 327 €	75,6%	0 €	0,0%	0 €	0,0%
Montenegro	NA	774 €	NA	NA	NA	2 520 €	NA	NA	NA	NAP	NAP
North Macedonia	54 271 €	36 474 €	67,2%	NAP	NAP	8 454 €	15,6%	9 343 €	17,2%	NAP	NAP
Serbia	38 035 330 €	38 035 330 €	100,0%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Kosovo*	142 568 €	NAP	NAP	NAP	NAP	142 568 €	100,0%	NA	NA	NAP	NAP
Average	13 097 402 €	9 591 131 €	64%	-	-	306 767 €	-	-	-	-	-
Median	1 202 604 €	164 211 €	67%	-	-	8 454 €	-	-	-	-	-
Minimum	54 271 €	774 €	24%	-	-	2 520 €	-	-	-	-	-
Maximum	38 035 330 €	38 035 330 €	100%	-	-	909 327 €	-	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.1.3 Authorities responsible for dealing with the compensation requests and legal time limit to deal with these requests in 2024 (Q156-1)

Beneficiaries	Authorities responsible for dealing with the requests of compensation and existence of a legal time limit to deal with these requests in 2024									
	Court concerned		Other court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint
Albania	Yes	No	No	No	No	No	No	No	No	No
Bosnia and Herzegovina	No	No	Yes	Yes	Yes	Yes	No	No	No	No
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes
Kosovo*	No	No	No	No	No	No	Yes	Yes	No	No

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge, total number of initiated procedures and total number of pronounced recusals in 2024 (Q160 and Q161)

Beneficiaries	Existence of a procedure to effectively challenge a judge, if a party considers that the judge is not impartial	Total number of initiated procedures in 2024	Total number of pronounced recusals in 2024
Albania		NA	14
Bosnia and Herzegovina		614	58
Montenegro		2 843	2 820
North Macedonia		3 870	2 494
Serbia		NA	NA
Kosovo*		NA	510

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8.3 Public prosecution services - status

Table 8.3.1 Status of public prosecution services in 2024 (Q162-0)

Beneficiaries	Status of public prosecution services						
	Independent status as a separate entity among state institutions	Part of the executive power but enjoys functional independence	Part of the executive power (without functional independence)	Part of the judicial power but enjoys functional independence	Part of the judicial power (without functional independence)	Mixed model	Other status
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2024 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

Beneficiaries	Existence of a law or another regulation to prohibit specific instructions to prosecute or not, addressed to a public prosecutor		Modalities of the specific instructions to prosecute or not, addressed to a public prosecutor 2024																Number of instructions addressed to a public prosecutor to prosecute or not were issued in 2024	Possibility for a public prosecutor to oppose/ report an instruction to an independent body
			Authority issuing the specific instructions				Form of instructions				Type of instructions					Frequency of the instructions				
	Yes	Exceptions in the laws and regulations that envisage the possibility of the issuance of specific instructions	General Prosecutor	Higher prosecutor/Head of prosecution office	Executive power	Other	Oral instruction	Oral instruction with written confirmation	Written instruction	Other	Issued seeking prior advice from the competent public prosecutor	Mandatory	Reasoned	Recorded in the case file	Other	Exceptional	Occasional	Frequent	Systematic	
Albania																			NA	
Bosnia and Herzegovina																			26	
Montenegro																			NA	
North Macedonia																			NAP	
Serbia																			59	
Kosovo*																			NAP	
Average																			-	
Median																			-	
Minimum																			-	
Maximum																			-	

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2024 (Q164 and Q166)

Beneficiaries	Legal provisions to guarantee the independence of judges and prosecutors in 2024							
	Judges				Prosecutors			
	Constitution	Special law	Bylaw	Other	Constitution	Special law	Bylaw	Other
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2024 (Q171)

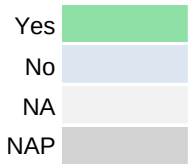
Beneficiaries	Number of criminal cases against judges or prosecutors in 2024					
	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	NA	NA	NA	1	NA	NA
Bosnia and Herzegovina	2	1	1	1	1	0
Montenegro	0	0	0	0	0	0
North Macedonia	0	0	0	0	0	0
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	2	4	0	9	11	0
Average	1	0	0	1	0	0
Median	0	0	0	1	0	0
Minimum	0	0	0	0	0	0
Maximum	2	1	1	1	1	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2024 (Q172-0)

Beneficiaries	Specific measures to prevent corruption for judges and prosecutors in 2024													
	Mandatory rotation		Gift rules		Specific training		Internal controls		Safe complaints mechanisms		Other		No mechanism in place	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania			Yes	Yes	Yes	Yes			Yes	Yes	Yes	Yes		
Bosnia and Herzegovina			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
Montenegro			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
North Macedonia			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
Serbia			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
Kosovo*			Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2024 (Q182)

Beneficiaries	System to report attempt for influence/corruption on judges and prosecutors in 2024	
	Judges	Prosecutors
Albania		
Bosnia and Herzegovina		
Montenegro		
North Macedonia		
Serbia		
Kosovo*		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

8.5 Code of ethics for judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2024 (Q172 and Q173-1)

Beneficiaries	Code of ethics for judges in 2024										
	Existence of code of ethics	Principles contained in the code of ethics									Link to the code of ethics
		Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules	
Albania											https://www.gjp.gov.al/rc/doc/KODI_I_ETIK_S_GJYQ_SORE_VKLGJ_nr_271_date_22_4_2021_4666.pdf
Bosnia and Herzegovina											https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1198/1178/1359
Montenegro											https://sudovi.me/static//sdsv/doc/Code_of_Ethics_for_Judges_(1)_(1).pdf
North Macedonia											http://www.vsrm.mk/wps/wcm/connect/vsrm/10ae444c-09fd-4cbd-9fa6-ed45ae4ad13b/%D0
Serbia											https://www.paragraf.rs/propisi/eticki-kodeks-principi-i-pravila-ponasanja-sudija.html
Kosovo*											chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://w.gjyqesori-rks.org/wp-content/uploads/lgsl/Kodi%20Etikes%20Profesionale%20per%20gjyqtar.pdf

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.5.2 Code of ethics for prosecutors in 2024 (Q174 and Q175-1)

Beneficiaries	Code of ethics for prosecutors in 2024										
	Existence of code of ethics	Principles contained in the code of ethics									Link to the code of ethics
		Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules	
Albania											https://klp.al/2022/03/03/standardet-etikes-dhe-rregullat-e-sjelljes-se-prokurorit/
Bosnia and Herzegovina											https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1198/1178/1359
Montenegro											https://sudovi.me/static//tzsv/doc/ETICKI_KODEKS_DRZAVNIH_TUZILACA.pdf
North Macedonia											https://jorm.gov.mk/wp-content/uploads/2021/05/etichki-kodeks-na-%D1%98avnite-obviniteli-2021.pdf
Serbia											https://www.paragraf.rs/propisi/eticki_kodeks_javnih_tuzilaca_i_zamenika_javnih_tuzilaca_republike_srbije.html
Kosovo*											https://prokuroria-rks.org/wp-content/uploads/2024/02/Kodi-i-Etikes-dhe-Sjelljes-Profesionale-per-Prokurore.pdf

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2024 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and Q181-1)

Beneficiaries	Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2024							
	Judges				Prosecutors			
	Existence of the institution	Members of the institution/body	Guidelines and/or opinions publicly available	Number of guidelines and/or opinions given in 2024	Existence of the institution	Members of the institution/body	Guidelines and/or opinions publicly available	Number of guidelines and/or opinions given in 2024
Albania		Other		NA		Only prosecutors		2
Bosnia and Herzegovina		Judges and other legal professionals		59		Prosecutors and other legal professionals		40
Montenegro		Judges and other legal professionals		0		Prosecutors and other legal professionals		0
North Macedonia		Only judges		1		Only prosecutors		0
Serbia		Only judges		13		Only prosecutors		0
Kosovo*		Only judges		3		Only prosecutors		-
Average				18				8
Median				7				0
Minimum				0				0
Maximum				59				40

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2024 (Q183, Q184)

Beneficiaries	Transparency in the distribution of courts cases	Organisation of the distribution of court cases					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2024 (Q185, Q186, Q187 and Q188)

Beneficiaries	Reasons for reassigning a case				Does the reassignment of cases have to be reasoned?			Reassignments of cases processed through the computerised distribution of cases	If yes, how are reassignments of cases processed:				
	Conflict of interest declared by the judge or by the parties	Recusal of the judge or requested by the parties	Physical unavailability (illness, longer absence)	Other	Yes for all reassignments	Yes for some reassignments	No		Automatic allocation	Random allocation	By discretion of a president of a court	Other	All interventions on the system are irreversibly logged/ registered
Albania	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	Yes	Yes
Montenegro	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No	Yes
North Macedonia	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	No	No	No
Serbia	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No	No
Kosovo*	Yes	Yes	No	No	Yes	No	No	Yes	No	Yes	No	No	Yes

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.6.3 Number of reassignments of court cases processed in 2024 (Q185-1)

Beneficiaries	Number of reassignments of court cases processed in 2024				
	Total number (1 + 2 + 3 + 4)	Conflict of interest declared by the judge or by the parties (1)	Recusal of the judge or requested by the parties (2)	Physical unavailability (illness, longer absence) (3)	Other (4)
Albania	NA	NA	NA	NA	NA
Bosnia and Herzegovina	663 080	NA	NA	NA	NA
Montenegro	24 030	NA	2 061	1 884	NA
North Macedonia	17 711	NA	1 264	29	16 418
Serbia	NA	NA	NA	NA	NA
Kosovo*	63 363	510	NA	NA	62 853
Average	234 940	-	-	-	-
Median	24 030	-	-	-	-
Minimum	17 711	-	-	-	-
Maximum	663 080	-	-	-	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2024: law(s) and regulation(s) that require a declaration (Q190 and Q192)

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets for judges							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.2 Declaration of assets for judges in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Beneficiaries	Declaration of assets for judges in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the judge
Albania																
Bosnia and Herzegovina																
Montenegro																
North Macedonia																
Serbia																
Kosovo*																

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.3 Declaration of assets for judges in 2024: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Beneficiaries	Declaration of assets for judges in 2024: verification, registration and publication of the declaration								
	Declaration of assets verified by:				Existence of a register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	Other	Not published
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									
Kosovo*									

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.4 Declaration of assets for judges in 2024: sanctions in case of non-declaration (Q201)

Beneficiaries	Sanction in case of non-declaration of assets by judges							
	Warning	Fine	Withdrawal from cases	Transfer to another (court) geographical location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.5 Declaration of assets for prosecutors in 2024: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets for prosecutors							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of prosecutors	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.6 Declaration of assets for prosecutors in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Beneficiaries	Declaration of assets for prosecutors in 2024: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the prosecutor
Albania																
Bosnia and Herzegovina																
Montenegro																
North Macedonia																
Serbia																
Kosovo*																

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.7 Declaration of assets for prosecutors in 2024: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Beneficiaries	Declaration of assets for prosecutors in 2024: verification, registration and publication of the declaration								
	Declarations of assets verified by:				Existence of a register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	Other	Not published
Albania	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.8 Declaration of assets for prosecutors in 2024: sanctions in case of non-declaration (Q214)

Beneficiaries	Sanction in case of non-declaration of assets by prosecutors							
	Warning	Fine	Withdrawal from cases	Transfer to another public prosecution office	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.7.9 Declaration of assets for judges an prosecutors in 2024: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

Beneficiaries	Number of proceedings due to violations/discrepancies in the declaration of assets 2024					
	Proceedings against judges			Proceedings against prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	30	30	4	23	23	0
Bosnia and Herzegovina	0	0	0	0	0	0
Montenegro	10	3	3	1	2	0
North Macedonia	6	0	0	1	0	0
Serbia	11	8	8	32	25	25
Kosovo*	0	0	1	NA	NA	NA
Average	11	8	3	11	10	5
Median	10	3	3	1	2	0
Minimum	0	0	0	0	0	0
Maximum	30	30	8	32	25	25

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2024 (Q217)

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of judges 2024				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a judge with other functions/professional activities	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.8.2 Other functions/activities carried out by judges in 2024 (Q218, Q219, Q220 and Q221)

Beneficiaries	Other functions/activities carried out by judges in 2024																				
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the judge has to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The court in question	High Judicial Council	Other	
Albania																	Yes				
Bosnia and Herzegovina																	No				
Montenegro																	Yes				
North Macedonia																	Yes				
Serbia																	Yes for some				
Kosovo*																	Yes				

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2024 (Q222 and Q223)

Beneficiaries	Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2024															
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on judges	Law on the High Judicial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on judges	Law on the High Judicial Council	Other
Albania	Yes	Yes	Yes	Yes	Yes			Yes	Yes	Yes	Yes		Yes	Yes		
Bosnia and Herzegovina				Yes		Yes									Yes	
Montenegro	Yes			Yes		Yes		Yes					Yes	Yes		Yes
North Macedonia	Yes							Yes								
Serbia	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes		Yes		Yes	Yes		
Kosovo*							Yes									Yes

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2024 (Q226)

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2024				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a prosecutor with other functions/professional activities	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.8.5 Other functions/activities carried out by prosecutors in 2024 (Q227, Q228, Q229 and Q230)

Beneficiaries	Other functions/activities carried out by prosecutors in 2024																			
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the prosecutor has to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The public prosecution office in question	High Judicial/ Prosecutorial Council	Other	
Albania																	Yes for some				
Bosnia and Herzegovina																	No				
Montenegro																	Yes for some				
North Macedonia																	Yes				
Serbia																	Yes				
Kosovo*																	Yes				

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2024 (Q231 and Q232)

Beneficiaries	Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2024														
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest							
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the Judicial/ Prosecutorial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the High Judicial/ Prosecutorial Council	Other
Albania	Yes	Yes		Yes			Yes	Yes					Yes	Yes		
Bosnia and Herzegovina				Yes		Yes									Yes	
Montenegro				Yes	Yes		Yes						Yes	Yes		Yes
North Macedonia	Yes							Yes								
Serbia	Yes	Yes		Yes	Yes		Yes	Yes	Yes				Yes	Yes		
Kosovo*	Yes			Yes				Yes		Yes			Yes			

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2024 (Q224 and Q233)

Beneficiaries	Number of procedures for breaches of rules on conflict of interest in 2024					
	Procedures against judges			Procedures against prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	30	30	1	NA	NA	NA
Bosnia and Herzegovina	2	0	0	0	0	0
Montenegro	0	0	0	NA	NA	NA
North Macedonia	10	5	1	2	1	0
Serbia	2	1	1	0	0	0
Kosovo*	0	0	0	NA	13	0
Average	9	7	1	1	0	0
Median	2	1	1	0	0	0
Minimum	0	0	0	0	0	0
Maximum	30	30	1	2	1	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of a disciplinary procedure against judges in 2024 (Q234)

Beneficiaries	Disciplinary proceedings against judges could be initiated by:										
	Court users	Relevant Court or hierarchical superior	High Court / Supreme Court	High Judicial Council	Disciplinary court	Disciplinary body	Ombudsman	Parliament	Executive power	Other	This is not possible
Albania						Yes					
Bosnia and Herzegovina						Yes					
Montenegro		Yes	Yes							Yes	
North Macedonia				Yes							
Serbia						Yes					
Kosovo*		Yes		Yes							

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.2 Authority with disciplinary power over judges in 2024 (Q235)

Beneficiaries	Authority with disciplinary power over judges in 2024							
	Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Albania			Yes					Yes
Bosnia and Herzegovina			Yes					
Montenegro			Yes					
North Macedonia			Yes					
Serbia			Yes	Yes				
Kosovo*		Yes	Yes					

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal in 2024 (Q236, Q240 and Q241)

Beneficiaries	Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal											
	Possibility for the judge to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal								
	Hearing	Written submission		Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2024 (Q242)

Beneficiaries	Reasons for transferring a judge without his/her consent		
	For disciplinary reasons	For organisational reasons	For other reason
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2024 (Q237, Q238 and Q239)

Beneficiaries	Number of disciplinary proceedings initiated against judges						Number of cases completed against judges						Number of sanctions pronounced against judges										
	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical (court) location	Resignation	Other	Dismissal
	1+...+5	1	2	3	4	5	1+...+5	1	2	3	4	5	1+...+10	1	2	3	4	5	6	7	8	9	10
Albania	6	NA	NA	NA	NA	6	5	NA	NA	NA	NA	5	6	0	0	NAP	0	0	0	0	NA	0	6
Bosnia and Herzegovina	31	2	29	0	0	0	20	1	19	0	0	0	16	10	0	NAP	NAP	5	0	0	0	0	1
Montenegro	7	NA	NA	NA	NA	NA	4	NA	NA	NA	NA	NA	0	0	0	0	0	0	0	0	0	0	0
North Macedonia	79	0	79	0	0	NAP	57	0	57	0	0	NAP	3	0	0	NAP	NAP	3	NAP	NAP	0	NAP	0
Serbia	10	4	6	0	0	0	4	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kosovo*	10	5	0	0	0	5	6	1	0	0	0	5	3	3	0	NAP	NAP	0	0	0	NAP	NAP	0
Average	27	2	38	0	0	2	18	1	26	0	0	2	5	2	0	-	0	2	0	0	0	0	1
Median	10	2	29	0	0	0	5	1	19	0	0	0	3	0	0	-	0	0	0	0	0	0	0
Minimum	6	0	6	0	0	0	4	0	3	0	0	0	0	0	0	-	0	0	0	0	0	0	0
Maximum	79	4	79	0	0	6	57	1	57	0	0	5	16	10	0	-	0	5	0	0	0	0	6

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.9.6 Description of professional inadequacy for judges in 2024 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Albania	NA	LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA. This includes the disciplinary violations from articles: Art. 101/1/b A magistrate commits a disciplinary misconduct, intentionally or due to negligence when, he/she b) while exercising the function disregards the law or facts manifestly caused intentionally or due to serious negligence or is blatantly professionally incompetent Art.102/1/a/b/c/d/dh Disciplinary misconducts during the exercise of the function are, in particular, but not limited to the acts, omissions or behaviors of the magistrate, as follows: a) Failure to submit a request for recusal from the proceedings or from the trial of the case, when it is mandatory under the law, if the magistrate is aware or should have been aware of such circumstances; b) Filing a request for recusal from proceeding or trial of the case, if this action is: (i) not based on reasons provided by law; (ii) done aiming at creating unfair benefit for the parties and third parties or aiming at shirking the legal responsibility to review the case or aiming at creating the possibility of assigning the case to another magistrate; (iii) Non-submission of the request immediately after getting aware about the cause; c) Interference or unfair influence on the exercise of the function of another magistrate; ç) unjustified or repetitive non- fulfilment of the investigative or judicial functions; d) repeated delays or delays which cause serious consequences or unjustified procrastinations of the actions and/or procedural acts; dh) the action, omission or behaviour of the magistrate, which create unfair benefits or damages to the parties of a trial or investigation procedure, in violation of the law; Art 102/2/a/c Subject to provisions of letter “b”, paragraph 1 of Article 101 of this Law, the disciplinary misconducts during the exercise of function as a magistrate are, in particular, but not limited to the action, omission or behaviour of the magistrate, as follows: a) serious or repeated disregard of material and procedural legislation or erroneous implementation of the material and procedural legislation, when established by a higher court; c) issuance of unreasoned acts or acts containing in the reasoning only conclusions on the applicable law without presenting the circumstances of the fact, in all those cases where the law requires the issuance of the act in the reasoned form
Bosnia and Herzegovina	29	It needs to be noted that, according to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, published in the 'Official Gazette of BiH' No. 9/24, it is stipulated that the provisions of Articles 11 and 12 of the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ('Official Gazette of BiH', No. 63/23) shall apply to disciplinary offenses committed by judges and prosecutors from December 23, 2023, onwards. For offenses committed up to December 23, 2023, the provisions of Articles 56 and 57 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ('Official Gazette of BiH', Nos. 25/04, 93/05, 48/07, and 15/08) shall apply. In that regard, for purpose of the Questionnaire disciplinary offences committed up to December 23, 2023 following disciplinary offences are listed as the professional inadequacies: 1.neglect or careless exercise of official duties; 2.issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules; 3.unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function; 4.failure, for an unjustifiable reason, to comply with decisions, orders or requests of the HJPC; 5.failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6.failure to comply with the decision on temporary transfer to another court. Law on HJPC, article 56, paragraphs 8, 9, 10, 14, 17, 20 and 21 are used for classification of disciplinary offences of judges related to the professional inadequacies. Other paragraphs of article 56 are classified under Breach of professional ethics including breach of integrity). For the disciplinary offences committed from December 23, 2023 provisions of the new Law on the HJPC are applicable and following disciplinary offences are listed as the professional inadequacies: 1.an undue delay in writing of a decision or in taking a procedural action; 2.failure to comply with a decision made in the procedure for protection of a right to a trial within reasonable time; 3.making any comments about a court or prosecutorial decision, proceedings or case while the case is ongoing before the court, which can reasonably be expected to interfere with or prejudice a fair process or trial; 4.failure to comply with a book of rules, a decision, an order or another act of the Council for unjustified reasons; 5.providing to or presenting the Council with false, misleading or insufficient information; 6.failure to provide to the Council any information he or she is required to provide under this Law; 7.failure to fulfil any mandatory training obligation; The new Law on HJPC, article 56, paragraphs d, e, h, i, j, k and n are used for classification of disciplinary offences related to the professional inadequacies. Other paragraphs of article 56 are classified under Breach of professional ethics including breach of integrity). In addition to the offences referred to in the first paragraph of the article 56 related to judges, according the new Law on the HJPC court presidents are also held liable for the following disciplinary offences: a)violating regulations governing the management of the court and court administration; b)violating a regulation or decision on the assignment of cases, directly or by failing to carry out supervision; c)failure to file a disciplinary complaint against a judge of the same court despite having information on the judge’s misconduct; d)failure to provide to the Council any information he or she is required to provide as court president under this Law.

Table 8.9.6 Description of professional inadequacy for judges in 2024 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Montenegro	NA	fuit is regulated by the Constitution as well as Law on Judicial Council and Judges that one of the reasons for dismissal can be unprofessionally and unconscientiously performing of duty. It is foreseen as a most serious disciplinary offences by the Law on Judicial Council and Judges, Article 108 t shall be deemed that the judge performs judicial function unprofessionally and unconscientiously if: 1)they unjustifiably fail to achieve at least 50% of the results in terms of quantity of the work done which is measured against average quantity benchmarks in a specific type of cases set by the Judicial Council; unless the judge can provide valid reasons for not achieving the quantitative results; 2)they start holding the office of a Member of Parliament or any other public office or starts professionally dealing in some other activity; 3)they receive the grade unsatisfactory twice repeatedly; 4)they were imposed disciplinary sanctions for severe disciplinary offences two times; 5) they were imposed a sanction for heavy (serious) disciplinary offence twice.
North Macedonia	79	Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows: 1)if in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia; 2)if he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months). 3)is publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law; 4)without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure; 5)does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur; 6)takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ; 7)Intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the Commission is elected by lot from among the members of the Commission. If a submitter of the request is a member of the Council, he/she cannot be a member of this Commission. The Commission will reject the request for determining responsibility of the judge or president of the court if the request: - is not timely, - is not complete, or - clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy. In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven days from the day of the notification of stopping or continuation of the procedure. If the Council decides to continue the procedure, the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from the day of receipt of the request.

Table 8.9.6 Description of professional inadequacy for judges in 2024 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Serbia	6	The Law on Judges ("Official Gazette of RS", No. 10/2023)Types of disciplinary violations Article 97 Disciplinary offenses are: 1) violation of the principle of impartiality; 2) failure of the judge to ask for exemption in cases where there is an obvious reason for exemption, that is, exclusion provided for bylaw; 3) unjustified delay of the procedure or unjustified failure to schedule hearings or trials or unjustified delay in making decisions; 4) putting items into work in an order that unjustifiably deviates from the order in which they were received; 5) frequent lateness to the scheduled hearing or search; 6) unjustified failure to inform the president of the court about the case in which the proceedings last longer; 7) obvious inappropriate behavior towards a participant in court proceedings and an employee of the court; 8) unjustified and frequent non-compliance with working hours; 9) accepting a gift contrary to the regulation governing conflict of interest; 10) engaging a judge in an inappropriate relationship with a party or his legal representative in the proceedings he leads; 11) commenting on a court decision, procedure or case in the public media in a way that is contrary to the law and the Rules of Court; 12) performance of another function, job or private interest that is incompatible with the function of a judge; 13) unjustified failure to attend a mandatory training program; 14) submission of incomplete or incorrect data relevant to the work and decision-making of the High Council of the Judiciary; 15) non-compliance with the decision of the High Council of the Judiciary on referral to a mandatory medical examination; 16) unauthorized communication to the media of information about ongoing court proceedings; 17) unjustified non-action of the president of the court according to the measure adopted in the supervision procedure; 18) unjustified non-compliance with the annual schedule of judges' work in the court or unjustified violation of the principle of arandom judge contrary to the law; 19) inappropriately exerting influence on a judge in the exercise of judicial function; 20) violation of the provisions of the Code of Ethics to a greater extent determined by the Ethics Committee; 21) failure to submit or untimely submission of objections against the decision on the annual schedule of work in the court or thedecision to change the decision on the annual schedule of work in the court or objections to the annual schedule in the court and the change in the annual schedule in the court; 22) failure to submit or untimely submission of objections against deviations from the order of receipt of cases or confiscation ofcases. A serious disciplinary offense exists if, as a result of committing a disciplinary offense from paragraph 1, point 1)-3), 9) 10), 12), 15), 17)-20) of this article, there has been a serious disruption in the work of the court or damage to the public's reputation and trust in the judiciary, and in particular the statute of limitations of the case due to the negligent work of the judge and if there was greater damage to the property of the party in the proceedings, as well as in the case of a repeated disciplinary violation. Repeated disciplinary offense referred to in paragraph 2 of this article is considered to be the responsibility of a judge for a disciplinary offense that has been legally determined twice, if no more than three years have passed between the legally binding decisions. The provisions of para. 2. and 3. of this article do not apply to disciplinary offenses from paragraph 1. point. 4)-8), 11), 13), 14), 16), 21) and 22) of this article. When determining whether a disciplinary offense has been committed from paragraph 1 point 20) of this article, the Ethics Committee is obliged to decide on a significant violation of the provisions of the Code of Ethics within 90 days from the date of submission of the request to determine the violation. Another law cannot prescribe a disciplinary offense against a judge. A judge is not responsible for a disciplinary offense committed due to an insufficient number of judges in the court, an increased flow of cases in the court, an insufficient number of court staff, unsatisfactory spatial and technical conditions for work or other reasons that prevent the effective action of the judge.
Kosovo*	0	-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2024 (Q243)

Beneficiaries	Disciplinary proceedings against prosecutors could be initiated by:										
	Citizens	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public Prosecutorial Council (High Judicial Council)	Disciplinary court	Disciplinary body	Ombudsman	Professional body	Executive power	Other	This is not possible
Albania						Yes					
Bosnia and Herzegovina						Yes					
Montenegro		Yes	Yes						Yes	Yes	
North Macedonia		Yes	Yes								
Serbia						Yes					
Kosovo*	Yes						Yes				

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.8 Authority with disciplinary power over prosecutors in 2024 (Q244)

Beneficiaries	Authority with disciplinary power over prosecutors								
	Supreme Court	Head of the organisational unit or hierarchical superior	Prosecutor General/ State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other
Albania				Yes					
Bosnia and Herzegovina				Yes					
Montenegro				Yes					
North Macedonia				Yes	Yes				
Serbia					Yes				
Kosovo*		Yes	Yes	Yes					

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision and body competent to decide on an appeal in 2024 (Q245, Q250 and Q251)

Beneficiaries	Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, and body competent to decide on an appeal											
	Possibility for the prosecutor to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal								
	Hearing	Written submission		Supreme Court	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 8.9.10 Number of initiated and compleated disciplinary proceedings and number of sanctions pronounced against prosecutors in 2024 (Q246, Q247 and Q248)

Beneficiaries	Number of initiated disciplinary proceedings against prosecutors						Number of completed cases against prosecutors						Number of pronounced sanctions against prosecutors										
	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical location	Resignation	Other	Dismissal
	1+…+5	1	2	3	4	5	1+…+5	1	2	3	4	5	1+…+10	1	2	3	4	5	6	7	8	9	10
Albania	5	NA	NA	NA	NA	5	3	0	0	0	0	3	5	2	NA	NAP	NA	3	NAP	NAP	NA	NA	NA
Bosnia and Herzegovina	8	2	6	0	0	0	11	3	8	0	0	0	11	5	0	NAP	NAP	5	1	0	0	0	0
Montenegro	3	NA	NA	NA	NA	3	5	NA	NA	NA	NA	5	0	0	0	0	0	0	0	0	0	0	0
North Macedonia	3	0	3	0	0	NAP	2	0	2	0	0	NAP	0	0	0	NAP	NAP	0	NAP	NAP	0	NAP	0
Serbia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kosovo*	6	4	2	NAP	NAP	NAP	4	2	2	NAP	NAP	NAP	9	5	NAP	NAP	NAP	1	NAP	NAP	3	NAP	NAP
Average	4	1	3	0	0	2	4	1	3	0	0	2	3	1	0	-	-	2	0	0	0	0	0
Median	3	0	3	0	0	2	3	0	1	0	0	2	0	0	0	-	-	0	0	0	0	0	0
Minimum	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	0	0	0	0	0	0
Maximum	8	2	6	0	0	5	11	3	8	0	0	5	11	5	0	-	-	5	1	0	0	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Albania	NA	LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA. This includes the disciplinary violations from articles: Art. 101/1/b A magistrate commits a disciplinary misconduct, intentionally or due to negligence when, he/she b) while exercising the function disregards the law or facts manifestly caused intentionally or due to serious negligence or is blatantly professionally incompetent Art.102/1/a/b/c/d/dh Disciplinary misconducts during the exercise of the function are, in particular, but not limited to the acts, omissions or behaviors of the magistrate, as follows: a) Failure to submit a request for recusal from the proceedings or from the trial of the case, when it is mandatory under the law, if the magistrate is aware or should have been aware of such circumstances; b) Filing a request for recusal from proceeding or trial of the case, if this action is: (i) not based on reasons provided by law; (ii) done aiming at creating unfair benefit for the parties and third parties or aiming at shirking the legal responsibility to review the case or aiming at creating the possibility of assigning the case to another magistrate; (iii) Non-submission of the request immediately after getting aware about the cause; c) Interference or unfair influence on the exercise of the function of another magistrate; ç) unjustified or repetitive non- fulfilment of the investigative or judicial functions; d) repeated delays or delays which cause serious consequences or unjustified procrastinations of the actions and/or procedural acts; dh) the action, omission or behaviour of the magistrate, which create unfair benefits or damages to the parties of a trial or investigation procedure, in violation of the law; Art 102/2/a/c Subject to provisions of letter “b”, paragraph 1 of Article 101 of this Law, the disciplinary misconducts during the exercise of function as a magistrate are, in particular, but not limited to the action, omission or behaviour of the magistrate, as follows: a) serious or repeated disregard of material and procedural legislation or erroneous implementation of the material and procedural legislation, when established by a higher court; c) issuance of unreasoned acts or acts containing in the reasoning only conclusions on the applicable law without presenting the circumstances of the fact, in all those cases where the law requires the issuance of the act in the reasoned form

Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Bosnia and Herzegovina	6	It needs to be noted that, according to the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, published in the 'Official Gazette of BiH' No. 9/24, it is and 12 of the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ('Official Gazette of BiH', No. 63/23) shall apply to disciplinary offenses committed 23, 2023, onwards. For offenses committed up to December 23, 2023, the provisions of Articles 56 and 57 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ('Official Ga 15/08) shall apply. In that regard, for purpose of the Questionnaire disciplinary offences committed up to December 23, 2023 following disciplinary offences are listed as the professional inadequacies: 1.neglect or careless exercise of official duties; 2.unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor, 3. failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article; 4. failure, f decisions, orders or requests of the Council; 5.failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6.failure to comply with the decision on temporary transfer to another prosecutor office. Law on HJPC, article 57, paragraphs 8, 9, 10, 13, 15, 17, 20 and 2 1 are used for classification of disciplinary offences of prosecutors related to the professional inadequacies. Other paragraphs o professional ethics (including breach of integrity). For the disciplinary offences committed from December 23, 2023 provisions of the new Law on the HJPC are applicable and following disciplinary offences are listed as the professional inadequacies: 1.undue delays in conducting actions concerning the performance of prosecutorial office; 2.failure to comply with a decision made in the procedure for protection of a right to a trial within reasonable time; 3.making any comments about a court or prosecutorial decision, proceedings or case while the case is ongoing before the court, which can reasonably be expected to interfere with or prejudice a fair proce 4.failure to comply with a book of rules, a decision, an order or another act of the Council for unjustified reasons; 5.providing to or presenting the Council with false, misleading or insufficient information; 6.failure to provide to the Council any information he or she is required to provide under this Law; 7.failure to fulfil any mandatory training obligation; 8.failure to carry out a statutory instruction of a supervising prosecutor unless carrying out of such an instruction would, in itself, constitute a violation of law; The new Law on HJPC, article 56, paragraphs d, e, h, i, j, k, n and o are used for classification of disciplinary offences related to the professional inadequacies. Other paragraphs of article 56 are cla including breach of integrity). In addition to the offences referred to in the first paragraph of the article 57 related to prosecutors, according the new Law on the HJPC chief prosecutors are also held liable for the following disciplinary offe a)violating regulations governing the management of Prosecutor's Office and Prosecutor’s Office administration;
Montenegro	NA	Article 108 of the Law on State prosecution Service, particularly provisions below: It shall be deemed that the state prosecutor performs prosecutorial function unprofessionally and unconscientiously if: 1)they unjustifiably fail to achieve at least 50% of the results in terms of quantity of the work done which is measured against average quantity benchmarks in a specific type of cases set by the Prosecutor provide valid reasons for not achieving the quantitative results; 2)they start holding the office of a Member of Parliament or any other public office or starts professionally dealing in some other activity; 3)they receive the grade unsatisfactory twice repeatedly; 4)they were imposed disciplinary sanctions for severe disciplinary offences two times; 5) they commit a more serious disciplinary offense which caused significant damage to the reputation of the State Prosecutor's Office.

Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
North Macedonia	3	Law on Public Prosecution Office DISCIPLINARY INFRINGEMENT Article 90 Disciplinary infringements committed by public prosecutor shall be: -serious disciplinary infringement and -mild disciplinary infringement. Article 91 Serious disciplinary infringement shall be: - serious violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the repute of the public prosecutors and public prosecution offices, - if he/sl interests in accordance with the law, or if the data contained in the declaration are mostly untrue, - obvious violation of rules for exemption is situations where the public prosecutor knew or should have known that grounds for exemption existed, as set by law, - if he or she has been convicted for a cr to imprisonment less than six months or other criminal sanction for a crime resulting directly from the execution of the prosecutorial function, intentionally or due to gross negligence, or -if they disclose classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when public is excluded und -if they deliberately and unjustifiably commit gross professional mistake, however, the different interpretation of the law and facts may not be considered grounds for determination of liability of public prosec - precluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, - if they fail to deal with the cases in the prescribed legal deadlines, without justifiable reas procedure or, the criminal prosecution falls within statute of limitation, - if they do not start working on cases under the successive order as received though the Case Management Information System in the public prosecution, without any justifiable reason, - they were a accordance with the procedure prescribed by law, or -they do not act upon the obligatory general written instructions of the senior public prosecutor, at the time of their issuance, as stipulated by this Law. Article 92 Mild disciplinary infringement shall be: -minor violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the repute of the public prosecutors and public prosecution offices, -non-fulfillment of mentor-like obligations, -violation of rights related to absence from work, -if they do not show up or are unjustifiable late for the scheduled hearings or court sessions, -failure to abide by Article 71 paragraph (2) of this Law,

Table 8.9.11 Description of professional inadequacy for prosecutors in 2024 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2024	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Serbia	0	According to the RULES ON DISCIPLINARY BODIES OF THE HIGH PROSECUTORIAL COUNCIL AND DISCIPLINARY PROCEEDINGS ("Official Gazette of the Republic of Serbia", No. 33/2024) Types Article 9 Disciplinary offenses are: 1) unjustified failure to draft a public prosecutor's decision within the prescribed period; 2) unjustified failure to file a regular or extraordinary legal remedy within the prescribed p for a scheduled hearing, discussion and other procedural action in cases assigned to him/her; 4) failure to request exemption from the case if there are legal reasons for this; 5) unjustified refusal to perform public prosecutor's office; 6) unjustified failure to execute a mandatory instruction of the Chief Public Prosecutor for work and action in a particular case; 7) failure to comply with a general mandatory instru obvious violation of the obligation to act properly towards a judge in a proceeding, a party, their legal representative, a witness, staff or colleague; 9) engaging in inappropriate relations with a party or the providing incomplete or incorrect information of importance for the work of the High Prosecutorial Council in the procedure for the election or termination of the public prosecutorial function, determining di jurisdiction; 11) violation of the principle of impartiality and endangering the trust of citizens in the public prosecutor's office; 12) performing another function, job or private interest that is determined prosecutorial function; 13) accepting gifts contrary to the regulations governing conflicts of interest; 14) unjustified and frequent failure to respect working hours; 15) significant violation of the provisions decision of the Ethics Committee; 16) unjustified failure to attend a mandatory training program; 17) use of hierarchical authority in a manner contrary to the law; 18) unjustified failure to comply w prosecution office or change the decision on the annual work schedule in the public prosecution office; 19) unauthorized disclosure of information to the media about ongoing or planned evidentiary actio with the decision of the High Prosecutorial Council on referral for a mandatory medical examination; 21) unjustified failure to comply with measures adopted in the supervision procedure; 22) failure to su against a mandatory instruction for work and action in a particular case, an objection against a decision on substitution or an objection against a decision on devolution to the commission referred to in Artic failure to submit or untimely submission of an objection against the decision on the annual work schedule in the public prosecutor's office or the decision to amend the decision on the annual work schedul disciplinary offence exists if, as a result of the disciplinary offence referred to in paragraph 1, items 1), 2), 4)-7), 11)-13), 15), 17), 18), 20) and 21) of this Article, there has been a serious disruption in damage to the reputation and public trust in the public prosecutor's office, in particular the statute of limitations for criminal prosecution, as well as in the case of a repeated disciplinary offence. A repeated 2 of this Article shall be considered to be the liability of the holder of the public prosecutor's office for a disciplinary offence that has been determined by a final decision twice, if no more than three years The provisions of paragraphs 2 and 3 of this Article shall not apply to disciplinary offences referred to in paragraph 1, items 3), 8), 10), 14), 16), 19), 22) and 23) of this Article. When determining whether a
Kosovo*	2	Professional Inadequacy is not included as a term in Law No.06/L-057 on Disciplinary Liability of Judges and Prosecutors, but it means the violation of the law or the incorrect application of the law by Prose whom disciplinary proceedings have been conducted and a disciplinary sanction has been imposed.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Indicator 8 - Accountability and processes affecting public trust

by country

Question 156. Is there a system of compensation in the following circumstances:
Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:
Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?
Question 161. If yes, what are:
Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?
Question 162-0. What is the status of public prosecution services?
Question 162-1. If they are prohibited by law or other regulation, are there exceptions?
Question 162-2. What form these instructions may take?
Question 162-2-0. Which authority can issue such specific instructions?
Question 162-3. In that case, are the instructions:
Question 162-4. What is the frequency of this type of instructions:
Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?
Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?
Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges
Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?
Question 171. Number of criminal cases against judges or prosecutors
Question 172-0. Are specific measures to prevent corruption in place?
Question 172. Is there a code of ethics applicable to all judges? Please provide the link.
Question 173.
Question 173-1. Does the Code of Ethics contain principles on:
Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.
Question 175.
Question 175-1. Does the Code of Ethics contain principles on:
Question 176. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)
Question 177. If yes, who are the members of this institution / body?
Question 178. Are the guidelines and/or opinions of this institution/body publicly available?
Question 178-1. How many guidelines and/or opinions were given during the reference year?

Question 179. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)
Question 180. If yes, who are the members of this institution / body ?
Question 181. Are the guidelines and/or opinions of this institution/body publicly available?
Question 181-1. How many guidelines and/opinions were given during the reference year?
Question 182. Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?
Question 183. Is transparency in distribution of court cases ensured in your judicial system?
Question 184. How is distribution of court cases organized in your system?
Question 185. What are the different possible reasons for reassigning a case?
Question 185-1. How many reassignments of cases were processed in the reference year?
Question 186. Does the reassignment of cases have to be reasoned?
Question 187. Are all reassignments of cases processed through the computerised distribution of cases?
Question 188. If yes, how are reassignments of cases processed:
Question 190. Which law(s) and regulation(s) require a declaration of assets by judges
Question 192. Can you provide the declaration of assets form (attachment)?
Question 193. What items are to be declared?
Question 194. What is the moment of the declaration of assets of judges?
Question 195. Does this declaration concern the members of the family?
Question 196. Is the declaration for family members the same as for the judge?
Question 198. Are these declarations of assets verified as regards:
Question 199. Is there a register of declaration of assets?
Question 200. Where is the declaration published?
Question 201. What is the sanction in case of non-declaration of assets?
Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:
Question 203. Which law(s) and regulation(s) require a declaration of assets by prosecutors
Question 205. Can you provide the declaration of assets form (attachment)?
Question 206. What items are to be declared?
Question 207. What is the moment of the declaration of assets of prosecutors?
Question 208. Does this declaration concern the members of the family?
Question 209. Is the declaration for family members the same as for the prosecutor?
Question 211. Are these declarations of assets verified as regards:
Question 212. Is there a register of declaration of assets?
Question 213. Where is the declaration published?
Question 214. What is the sanction in case of non-declaration of assets?

Question 215. Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:
Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:
Question 218. Can judges combine their work with any of the following other functions/activities?
Question 219. Is an authorisation needed to perform these accessory activities for judges?
Question 220. If yes, who is giving authorisation for these accessory activities for judges?
Question 221. If not, does the judge have to inform his or her hierarchy about these accessory activities?
Question 222. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?
Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:
Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference year
Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:
Question 227. Can public prosecutors combine their work with any of the following other functions/activities?
Question 228. Is an authorisation needed to perform these accessory activities for public prosecutors?
Question 229. If yes, who is giving authorisation for these accessory activities for public prosecutors?
Question 230. If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?
Question 231. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?
Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:
Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year
Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?
Question 235. Which authority has disciplinary power over judges? (multiple replies possible)
Question 236. What are the possibilities for the judge to present an argumentation? (multiple replies possible)
Question 237. Number of disciplinary proceedings initiated during the reference year against judges.
Question 238. Number of cases completed in the reference year against judges.
Question 239. Number of sanctions pronounced during the reference year against judges.
Question 240. Can a disciplinary decision be appealed?
Question 241. If yes, what body is competent to decide on appeal?
Question 242. Can a judge be transferred to another court without his/her consent:
Question 243. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):
Question 244. Which authority has disciplinary power over public prosecutors? (multiple replies possible)
Question 245. What are the possibilities for prosecutors to present an argumentation (multiple replies possible):
Question 246. Number of disciplinary proceedings initiated during the reference year against public prosecutors.
Question 246-1. Please describe what is included in the category "Professional inadequacy"
Question 247. Number of cases completed in the reference year against public prosecutors.
Question 248. Number of sanctions pronounced during the reference year against public prosecutors.
Question 250. Can the disciplinary decision be appealed?

Question 251. If yes, what body is competent to decide on appeal?

Albania

Q156 (General Comment): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".
Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.
Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter.

Q156 (2024): The Albanian legislation provides a system of compensation for all the above circumstances.
-Regarding the excessive length of proceedings and non-execution of court decisions:
The procedural legislation provides for the right of the party in a judicial process to be compensated for the damage caused due to the unreasonable length of a procedure according to legal provisions. More specifically, the Code of Civil Procedure, as amended, has provided the rules and procedures for reasonable length of procedures in its articles 399/1-399/12.
Article 399/2 of this Code provides for reasonable deadlines for the investigation, trial or execution of a final decision. In case of exceeding the deadlines provided for in this article, the parties in the process can submit a request, which is adjudicated by the competent court. If a violation is found by the court, the party can file a claim for damage compensation.
-Regarding the wrongful arrest / detention and wrongful conviction:
The Code of Criminal Procedure, as amended, has provided in its Article 268 the right to compensation for the detention suffered by those who have been found innocent by a final court decision, except in cases where it has been proven that the wrongful decision or failure to discover the unknown fact in due time, is caused, wholly or in part, by the person himself. This right is also granted for the convicted person who has been placed in precautionary detention in prison, when it is proven by a final decision that the act by which the precautionary measure was established, has been issued in absence of the requirements provided for by Articles 228 and 229 of this Code. These provisions also apply to cases where the court or prosecutor decided to dismiss the case. Whereas in cases when it is proven by a court decision that the act is not provided under the law as a criminal offence, due to the abrogation of the relative provision, the right of compensation is not recognized for the part of precautionary detention in prison served before the abrogation.
The request for compensation must be submitted within three years of the day in which the judgment of acquittal or dismissal has become final. Whereas the compensation amount, the method for its calculation, and the cases of house arrest compensation, are established by special law.

Q156 (2023): The Albanian legislation provides a system of compensation for all the above circumstances.
-Regarding the excessive length of proceedings and non-execution of court decisions:
The procedural legislation provides for the right of the party in a judicial process to be compensated for the damage caused due to the unreasonable length of a procedure according to legal provisions. More specifically, the Code of Civil Procedure, as amended, has provided the rules and procedures for reasonable length of procedures in its articles 399/1-399/12.
Article 399/2 of this Code provides for reasonable deadlines for the investigation, trial or execution of a final decision. In case of exceeding the deadlines provided for in this article, the parties in the process can submit a request, which is adjudicated by the competent court. If a violation is found by the court, the party can file a claim for damage compensation.
-Regarding the wrongful arrest / detention and wrongful conviction:
The Code of Criminal Procedure, as amended, has provided in its Article 268 the right to compensation for the detention suffered by those who have been found innocent by a final court decision, except in cases where it has been proven that the wrongful decision or failure to discover the unknown fact in due time, is caused, wholly or in part, by the person himself. This right is also granted for the convicted person who has been placed in precautionary detention in prison, when it is proven by a final decision that the act by which the precautionary measure was established, has been issued in absence of the requirements provided for by Articles 228 and 229 of this Code. These provisions also apply to cases where the court or prosecutor decided to dismiss the case. Whereas in cases when it is proven by a court decision that the act is not provided under the law as a criminal offence, due to the abrogation of the relative provision, the right of compensation is not recognized for the part of precautionary detention in prison served before the abrogation.
The request for compensation must be submitted within three years of the day in which the judgment of acquittal or dismissal has become final. Whereas the compensation amount, the method for its calculation, and the cases of house arrest compensation, are established by special law.

Q156 (2022): The requests for excessive length of proceedings and non-execution of court decisions, have been introduced as a separate request to the court by national law in 2017. According to the Civil Procedural Code the procedure is divided in 2 different phases. The first phase is logged as a simple request to the court and is registered in the CMS system as non-litigious cases either civil or administrative depending on the court. They are registered without a specific identifying code. The second phase is logged as litigious case based on tort legal provisions. We cannot identify these specific cases within the category. We will tackle this issue while creating the new CMS system.
Regarding the requests for wrongful arrest / detention and wrongful conviction, these cases are registered as litigious administrative cases and do not have a specific identifying code in the CMS.

Q160 (General comment): As provided by the Criminal Procedure Code, Parties may request the disqualification of a judge in cases of incompatibility on grounds of participating in proceedings; incompatibility on grounds of family, blood or in-laws relation, when the judge has the duty to abstain from the judgment, and if, in the exercise of his functions and prior to the issuance of the decision, he has expressed his opinion on the facts or circumstances object of the proceedings. Similar proceedings are provided by civil procedures and administrative procedures codes.

The judge is obliged to withdraw from a case when:

1. he has an interest in the case or in another dispute which is related to it in the trial.
2. he or his spouse has kin relations to the fourth degree or in-law to the second degree, or is related by obligations of child adoption, or lives together in a permanently with one of the parties or attorneys.
3. he or his spouse is in legal conflict or in enmity or in relations of credit or loan with one of the parties or one of the representatives.
4. he has given advise or has expressed opinion on the case in trial or has participated in the trial of the case in a different level of the process, has been questioned as a witness, as expert or representative of one or the other party.
5. he is guardian, employer of one of the parties, administrator or has another task in an entity, association, society or other institution which has interests in the case in trial.
6. in any other event when, according to concrete circumstances, serious reasons for partiality are verified. The request for resignation is presented to the chairman of the respective court who decides. The chairman of the Court of Appeal decides on the presentation of the resignation of the chairman of the district court, and the Chairman of the High Court decides on the request of the chairman of the Court of Appeal. The parties are notified on the content of the request

The judge who on his conscience assesses that there are reasonable causes not to take part in the revision of a case, requests the chairman of the court to be replaced. When Chairman of the court deems relevant the request orders his replacement with another judge through lot.

In cases where the resignation of a judge is mandatory, each of the parties may request the exempt of the judge.

The request, signed by the respective party or its representative, must be deposited with the court secretariat when the announcement of the judge or judges that shall examine the case is made public, or if not, immediately after the announcement of the judge or judges that shall try the case.

Later submission of the request is permitted only in the instance that the party has received information on the grounds of dismissal, or if the judge has inappropriately expressed biased opinion of the facts and circumstances pertaining to the trial during the execution of his duties, although no later than three days from receipt of information.

The request must contain the grounds of dismissal, documents and other available evidence.

The request for the dismissal of a judge is examined in consultation chamber in a session by another judge of the same court. The appeal against the decision to accept or reject the request for dismissal is allowed together with the final decision.

The request for dismissing a judge of the appeals court is decided by a panel of three judges of the same court, different from the panel to which the judge belongs. The decision is of a final form.

The request for dismissing a judge of the High Court is decided by a panel of three judges of the same court, different from the panel to which the judge belongs. The decision is of a

Q160 (2021): As provided by the Criminal Procedure Code, Parties may request the disqualification of a judge in cases of incompatibility on grounds of participating in proceedings; incompatibility on grounds of family, blood or in-laws relation, when the judge has the duty to abstain from the judgment, and if, in the exercise of his functions and prior to the issuance of the decision, he has expressed his opinion on the facts or circumstances object of the proceedings. Similar proceedings are provided by civil procedures and administrative procedures codes

Q161 (2024): To avoid confusion with last year's data, we clarify that from the statistical data that the Council collects, there are 1006 requests for resignation on the case by the judge, approved by the president of the court; and 14 decisions aimed at excluding a judge.
Q162 (General Comment): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.
According to the Law “On the governance institutions of the justice system”, as amended, High Prosecutorial Council may adopt normative bylaws pursuant to this or other laws with general binding effect on all prosecutors or shall adopt non-binding instructions.
Also, according to Article 48, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", nonbinding instructions on specific issues may be given by:
a) the Prosecutor General for prosecutors General Prosecution;
b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
ç) the Head of the Special Prosecution Office for Special Prosecutors;
d) the head of the section for prosecutors nominated in the relevant section.
Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.
Where the prosecutor disagrees or is uncertain about the instructions given, has the right to request further explanations in writing. The head prosecutor or section is obliged to explain the instructions and repeat them in the same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

Q162 (2021): According to the Constitution and Law “On the status of judges and prosecutors”, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them.
According to Article 46/1, 2 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", higher prosecutors may issue general instructions and reasoned in writing, which are binding for lower prosecutors. This kind of instructions may be of administrative and procedural nature.
The general instructions of administrative and procedural nature, according to Article 47/1, 2, of the above mentioned law, may be appealed from lower prosecutors at High Prosecutorial Council. The prosecutor is obliged to follow the appealed instruction except the case that he evaluates that, this instruction is clearly illegal. The prosecutor bears no responsibility for appealing and non-compliance with the instruction except when he acts openly in violation of the law and with malice or gross negligence.
According to Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", non-binding instructions on specific issues may be given by:
a) the Prosecutor General for prosecutors of General Prosecution;
b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
ç) the Head of the Special Prosecution Office for Special Prosecutors;
d) the head of the section for prosecutors nominated in the relevant section.
Instruction on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.
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Instruction on specific issues, according to Article 48, of this law are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction, notify in written the head of the prosecution or the section.

Q162-0 (General Comment): Article 148 of the Constitution of Albania
1. The Prosecution Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecution Office performs other duties in accordance with the law.
2. The Prosecution Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute, in accordance with the law.
3. The prosecution is organized and functions near the judiciary system.
4. A Special Prosecution Office, which is independent from the Prosecutor General, and an independent investigation unit, shall investigate and prosecute corruption, organized crime and crimes in accordance with article 135 paragraph 2 of the Constitution. The independent investigation unit shall be subordinate to the Special Prosecution Office.
Q162-0 (2024): The principle of the independence of public prosecution service is enriched in Article 148, of the Constitution, where it is confirmed that, the prosecution is an independent institution which guarantee well-functioning of, the control of its activity and respect the independence of the prosecutors during criminal investigation, according to the law. Article 149 of the Constitution establishes the High Prosecutorial Council as the independent governing body mandated to guarantee the independence, accountability, discipline, status and career of prosecutors.
Also, in Article 3, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended and in Articles 3, 4 and 6 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, is provided that prosecutors exercise their functions in an independent way and the law guarantees the necessary independence and autonomy for decision-making during the exercise by prosecutors of their constitutional and legal function, regardless of illegal internal or external influence from any public or private authority. According to Article 148/b, letter “ç”, of the Constitution, the General Prosecutor propose and administer the budget of the prosecution office. Also, in Article 40, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, the prosecution has an independent budget, as part of the state budget and is provided in a separate item.

Q162-1 (2024): Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, provides that, on concrete cases the head of the office may issue non-binding instructions to a prosecutor investigating a case.
Q162-1 (2023): Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, provides that, on concrete cases may be given non-binding instructions.

Q162-2 (General Comment): Exceptionally, where circumstances do not allow, these instructions may be given verbally and, within a reasonable time, confirmed in writing.
Q162-2 (2024): Exceptionally, where circumstances do not allow, these instructions may be given verbally and, within a reasonable time, confirmed in writing.
Q162-2-0 (General Comment): Other authorities who may issue specific instructions are also the Head of Special Prosecution for prosecutors in the Special Prosecution Office and the head of section for prosecutors in the relevant section.
Q162-2-0 (2023): Other authorities who may issue specific instructions are also the Head of Special Prosecution for prosecutors in the Special Prosecution Office and dhe head of section for prosecutors in the relevant section.

Q162-5 (General Comment): According to Article 48/2, 5, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.

Q162-5 (2024): According to Article 48/2, 5, of the Law no. 97/2016 "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution office or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.

Q162-5 (2023): According to Article 48/2, 5, of the Law no. 97/2016 "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution office or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.
Q164 (2022): The judges' independence is guaranteed by the constitution, by special law, by Procedural Codes both civil and penal as well as bylaws (e.g. Code of ethics)
Q171 (2021): In accordance with Article 148/d, point 4, of the Constitution and Article 151, of Law "On the status of judges and prosecutors in the Republic of Albania", as a result of the initiation of criminal proceedings for criminal offenses such as "Abuse of duty" or "Passive corruption of judges, prosecutors and other officials of the judiciary", during 2021, the High Prosecution Council has imposed the measure of suspension from duty for 3 (three) prosecutors.
Q172-0 (2024): - HIDAACI periodic declarations.
- There are procedures in place stipulated by the law on whistleblowers, regulations on gifts, as well as specific trainings by the School of Magistrates on corruption, the Judge of Ethics also plays an important role on specific matters, HIDAACI and the vetting process controls assets, the HIJC controls assets of new appointed magistrates. The mandatory rotation of judges is not a measure, that should be inadvertent. https://klgj.al/wp-content/uploads/2021/04/VENDIM-NR.-171-DAT%c3%8b-22.04.2021-P%c3%8bR-MIRATIMIN-E-%e2%80%9cKODI-I-ETIK%c3%8bS-GJYQ%c3%8bSORE%e2%80%9d.pdf
- The school of magistrate is in charge for trainings.
Q172-0 (2023): NA
Q172-0 (2022): There are procedures in place stipulated by the law on whistleblowers, regulations on gifts, as well as specific trainings by the School of Magistrates on corruption, the Judge of Ethics also plays an important role on specific matters, HIDAACI and the vetting process controls assets, the HIJC controls assets of new appointed magistrates. The mandatory rotation of judges is not a measure, that should be inadvertent. https://klgj.al/wp-content/uploads/2021/04/VENDIM-NR.-171-DAT%c3%8b-22.04.2021-P%c3%8bR-MIRATIMIN-E-%e2%80%9cKODI-I-ETIK%c3%8bS-GJYQ%c3%8bSORE%e2%80%9d.pdf

Q173-1 (2024): The principle of impartiality
gj) he must not accept gifts, favors or benefits, for himself or his relatives, such as may call into question his impartiality. The principle of integrity
e) he does not ask for or accept gifts, loans or favors for himself or his family members, which come to him due to the exercise of his duties. f) may receive symbolic gifts, prizes or benefits, as the case may be, provided that the gift, prize or benefit is not perceived by a reasonable observer as a cause of bias or as an intention to influence the judge in the exercise of his duties.

Q173-1 (2023): NA
Q173-1 (2022): Section 9/gj of the Code of ethics has provisions on relationship with press agencies other paragraphs regulate nondisclosure, it also regulates extrajudicial activities and the use of the term magistrate on those activities.
Q175 (2021): The updating of the Code of Ethics is realised when new circumstances are necessary to take in consideration regarding prosecutor's ethic conduct or when changes are approved in law.
Q175-1 (General Comment): NA
Q177 (2022): According to art 83 of the law no 115/2016, The judge of ethics, (which is a single judge, appointed by HJC) gives opinions on ethic related aspects while the HJC is the responsible body that sets the code of ethics.
Q178 (2024): The Council shall assign one Ethics Advisor from the ranks of judges who meet legal requirements to be a member of the High Court and who has the experience and knowledge on ethics matters. The Ethics Advisor shall serve for a 5-years period, with the right to only one reappointment.
The Ethics Advisor shall perform the following tasks:
a) give advice, upon the request of any judge on the most appropriate behavior in and outside of the court, in the event of ethical uncertainties;
b) may ask for the opinion of the Council on certain issues relating to the conduct of judges in general, but not in relation to specific persons;
c) elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethical questions, based on the best international standards and practices, relevant decisions of the Council;
ç) ensure, in collaboration with the School of Magistrates, the initial and continuous training on issues of ethics;
d) report in writing, not less than once a year, before the Council in relation with his/her activity.

Q178 (2023): NA
Q178-1 (2023): NA
Q179 (General Comment): NA
Q179 (2021): According to the Law "On the governance institutions of the justice system", the Ethics Adviser at High Prosecutorial Council performs the following duties:
a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
d) report in writing, not less than once a year, to the Council on its activities.

Q180 (2024): According to Article 182, of the Law no. 115/2016, “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council appoints an Ethics Advisor from among the prosecutors who meet the legal requirements to be a prosecutor of the General Prosecutor's office and who has experience and knowledge on ethics issues. The Ethics Advisor serves for a period of 5 years, with the right to re-election only once.
Q180 (2023): NA
Q181 (General Comment): NA

Q181 (2024): The Ethics Advisor performs the following tasks:
a) gives advice, at the request of any prosecutor, on the most appropriate behaviour, inside and outside the prosecutor's office or the court, on controversial issues of ethics;
b) may request the opinion of the Council on certain issues related to the conduct of prosecutors in general, but not related to specific persons;
c) designs, publishes and continuously updates an informative manual, which contains questions and answers on ethical dilemmas, based on international standards and best practices and relevant decisions of the Council;
d) takes care, in cooperation with the School of Magistracy, for the initial and ongoing training on ethics issues;
e) reports in writing, no less than once a year, before the Council regarding its activity.
The Ethics Advisor has the obligation to maintain confidentiality, not providing any information to the structures of the governing bodies of the prosecution that exercise inspection and evaluation powers.

Q181 (2023): NA

Q181-1 (2024): Through the first opinion have been addressed allegations of violation of the prosecutor's ethical norms, the performance or non-performance of investigative actions by the prosecutor, as well as the evaluation of the evidence pertaining to the criminal proceeding.
According to the Ethics Adviser, these allegations are subject to judicial control and decision-making by the court, in accordance with the provisions of the Code of Criminal Procedure. The legal mean to challenge a court decision is to appeal to a higher court. If the complainant believes that the prosecutor has violated the criminal procedural law, she was instructed to exercise the legal means that protect her rights. If there were ethical violations, disciplinary violations or violations of other natures on the part of the prosecutor, the complainant could file a complaint to the High Inspector of Justice or other justice bodies.
The second opinion concerns the disagreements that arose between the head of a prosecutor's office and a recently appointed prosecutor in this office, a situation that had caused the disruption of the smooth running of the work in this office. The disagreements had to do with the ethical communication between them as well as the implementation of the internal instructions for the administrative activity of this office.
The Ethics Advisor noted that the independence of the prosecutor in exercising procedural functions without accepting and allowing interference from anyone in decision-making on the investigation and the manner of resolving the case must be understood correctly but with constant care not to abuse it in the name of independence and not fulfil the legal obligations to implement correctly both the provisions of the law on the organization and functioning of the prosecutor's office and the instructions in force. He suggested that, in the School of Magistrates, should be developed specific training regarding the respect of the principle of independence and the Code of Ethics regarding head office/prosecutor.
Q181-1 (2023): NA

Q181-1 (2022): The High Prosecutorial Council handled a request of a prosecutor in the general jurisdiction offices to engage as an expert in monitoring the activity of the Special Prosecutor's Office against Corruption and Organized Crime, within the framework of a project implemented by an NPO. According to the law, the prosecutor has the right to participate in off-duty activities related to legal issues, the legal system and the administration of justice.
However, the prosecutor's request was related to the monitoring of the work of the Special Prosecutor's Office for various issues, therefore, this request contradicted the criteria provided for in Article 9, point 1, letter "dh", of the Law "On the status of judges and prosecutors", as amended, where it is stated that, the activities outside the function should not be incompatible with the exercise of the function of the magistrate.
In the "Standards with the Rules of Ethics and the Rules of Conduct of the Prosecutor" have been established some basic principles which aim to increase impartiality during and outside the exercise of the functions of the prosecutor, support the implementation of the highest standards of ethical and professional behaviour, preserve the image of the professional, as well as the appropriate behaviour in the office in court or outside these premises of the prosecutor. In article 5, letters "b" and "ç", of these Rules, related to the principle of impartiality, it is provided that the Prosecutor must: b) avoid any type of behaviour that may create the impression of partiality; ..... ç) avoids situations that can reasonably be perceived as leading to a conflict of interest.
The High Prosecutorial Council assessed that the prosecutor's participation in off-duty activities to monitor the activity of the Special Prosecutor's Office against Corruption and Organized Crime was incompatible with the activity of the magistrate, violates the principles of independence and impartiality of the prosecutor, as well as the principle of avoidance of conflict of interest.
In the same time, the law has provide special bodies such as the High Prosecutorial Council and the Parliament which monitor the activity of the Special Prosecution against Corruption and Organized Crime, as this institution reports to them on its annual activity.

Q182 (General Comment): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors. According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.
A general mechanism is provided in Article 119, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, and is the right to report attempts to influence/corruption on prosecutors/judges through complaints filed by any person to the High Justice Inspectorate.
Also, in cases where there is credible evidence that a prosecutor/judge has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:
a) the Minister of Justice;
b) a single member of the Council;
c) the president of the court or prosecution office.

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In cases where there is credible evidence that a prosecutor has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:
a) the Minister of Justice;
b) a single member of the Council;
c) the president of the court or prosecution.

Q184 (General Comment): Every intervention made while distributing cases by electronic lot is logged in the system, this means a third party can audit in every moment the procedure of the lot, and see if it has been done according to the rules in place. Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.
Q185-1 (2022): The HJC is yet to collect statistical datas regarding the reported year
Q190 (General Comment): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their appointment as judges and prosecutors and every time that they apply for a position at a higher level.
However, please note that the obligation to annually declare their (applicable to judges and prosecutors) assets is provided in a special law, namely law on the declaration and audit of assets, financial obligations of elected persons and certain public officials.
Q192 (2024): https://www.ildkpki.al/formularet-e-deklarimit-3/
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Q135 (General comment): Article 3, 2 of law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, that follows article 3, and it states:
"Article 3/1
Declaration of assets for candidates in different positions in the justice system institutions 1. The following shall have the obligation to declare assets and private interests: a) candidates expressing their interest on Constitutional Court vacancies, in accordance with the provisions of the legislation regulating the governance of the justice system; b) candidates expressing their interest to become High Justice Inspector as well as non-magistrate candidates interested in becoming inspector in the High Justice Inspector Office, in accordance with the provisions of the legislation regulating the governance of the justice system; c) candidates for admission in the initial training of the School of Magistrates as well as graduates that are candidates for magistrate, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
ç) candidates for judge and judicial civil servant in the special courts against corruption and organised crime, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; d) candidates for prosecutor, investigation officer, administrative personnel of the Special Prosecutor's Office, National Bureau of Investigation, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; dh) candidates who seek promotion in higher or more specialised levels, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
e) candidates for member of the High Court from the ranks of distinguished legal experts, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; ë) candidates for president of other courts or prosecutor's offices, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; f) any other person that is subject to the obligation of declaration before candidacy, in accordance with the effective legislation.
2. Candidates for the positions referred to in point 1 of this article, who are subject to the obligation to declare private interests in accordance with the provisions of Article 3 of this law, shall not perform a new declaration, but shall be subjected to full audit of assets. In the event during 180 days prior to the submission of the request, the candidate has already been audited by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests and the audit didn't prove to be disfavourable for them, then the audit shall be considered as already performed.
3. The High Inspectorate shall perform full audit on the verification of truthfulness and accuracy of the data contained in the declarations of persons referred to in point 1 of this article within 2 months from the submission of the declaration, unless otherwise stipulated by the law. At the end of verification, the General Inspector shall immediately send the relevant verification reports to the relevant institutions."
Article 3/1 of the law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, specifies the obligation to declare for the candidates for different positions in the justice system.
This article has been added with the amendments made to the law, by law no. 42/2017, dated 6.4.2017, "On some changes and additions to the law no. 9049, dated 10.4.2003 'On the declaration and control of the assets, financial obligations of the elected and some public employees', as amended".
The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by

Q23-1 (General comment): Article 7 of the law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, sets out the provisions regarding the annual periodic declaration:

"Article 7

Annual Periodic Declaration

1. Periodic declarations shall only include the changes to the previously declared assets, financial obligations, and private interests, in accordance with Article 6 of this law, those appearing during the declaration year and any earned income and declarable expenditure carried out during the year being declared.

2. The declarations prior to the beginning of duty, according to Article 5/1 of this Law, and the declaration after leaving office, according to Article 7/1 of this Law, shall be specific instances of the periodic declaration.

3. All officials and other persons related, who have the obligation to declare, shall be obliged to present their declaration, by March 31 of each year, to the authority or responsible structure of the public institution contemplated in the legislation applicable to the prevention of conflict of interests in the exercise of public functions.

4. When the official transfers the rights of active ownership of shares or parts of the capital, according to the provisions of the legislation applicable to the prevention of conflict of interests in the exercise of public functions, in the periodic declaration, as long as this situation continues, they shall only declare the status of such rights before the transfer and the earning from property they effectively received during the year for which the declaration is made.

5. For the purpose of declaration before taking office, annual periodic declaration, or after leaving office, according to the above points of this article, the persons related to the officials who have the obligation to make a declaration shall include only the spouse, cohabitant, and their adult children."

Article 9 of the law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, sets out the provisions regarding the declaration on request:

"Article 9

Declaration on Request

1. The Inspector General shall have the duty to request the declaration of assets and private interests and the sources of their creation, according to the requirements of this Law, as well as to order the inspection of the accuracy of these declarations even for individuals, or natural and legal persons, when, from the verifications made, it turns out that the latter are persons related to entities that have the obligation to declare periodically.

2. The definition of a related person, pursuant to point 1 of this Article, shall also apply to a trustee, as defined in the legislation applicable to prevention of conflict of interests in the exercise of public functions, as well as to the cohabitants as defined by the Family Code.

3. The Inspector General, for the purpose of verifying the declaration of income, in accordance with the legislation applicable to income tax, shall send to the Minister of Finance and the General Director of Taxation information about the list of individuals who result as persons related with the declaring entities that have the obligation to declare, according to point 1 of this Article."

Q195 (General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.
When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

Q198 (General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;

b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;

c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.

ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;

d) Every 5 years for other officials not included in the above letters.

Points 2 and 3 are abrogated

4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.

5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Q200 (General Comment): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While from 2019, approximately 10,937 asset declarations were made publicly available. Request can be submitted online or in writing to the appropriate contact point (designated contact point for this purpose) of HIDACCI.

Q200 (2022): Asset declarations are made public upon requests coming from citizens, NGO, Media and for the period, 2014 - 2022, approximately 66,204 copies of declaration forms were made publicly available. During the year 2021, 3,553 declarations were made publicly available, while during 2022, 4,271 declarations were made publicly available
In general declarations are made public through requests coming from citizens, NGO, and Media, which can be submitted through the official email address or in writing to HIDACCI. Through the processing of such requests hard copies of the requested declaration forms are provided in compliance with the provisions of the laws on the right of information and the protection of personal data. These declarations are usually published in open data sources such as Open Data Albania. However as of 2022, with the implementation and improvement of the new online declaration system (EACIDS) which is now fully functional for declaration purposes, the publication of all the declarations is possible through this system for public access.

Q200 (2021): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While from 2019, approximately 10,937 asset declarations were made publicly available. HIDAACI has published during 2020 in total 6,182 declarations. Request can be submitted online or in writing to the appropriate contact point (designated contact point for this purpose) of HIDACCI.

Q201 (General Comment): Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” Criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment”.
Disciplinary sanction , Article 15 of the Law no.9049/2003 provides that “The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets”.

Q202 (2024): The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.
Q202 (2023): *The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.

Q202 (2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the ��Code of Administrative Procedures".
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;
(d) False declaration; (e) Assessee found in situation of conflicts of interests.

Q205 (2024): https://www.ildkpki.al/formularet-e-deklarimit-3/
Q205 (2023): https://www.ildkpki.al/formularet-e-deklarimit-3/
Q205 (2022): https://www.ildkpki.al/formularet-e-deklarimit-3/

Q205 (2021): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

Q206 (General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:
a) immovable properties and the real rights over them according to the Civil Code;
b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
c) Items with special value over 300 000 (three hundred thousand) ALL;
ç) The value of shares, securities and parts of capital owned;
d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
ë) Licenses and patents that bring income.
f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;
h) Any declarable expenses, worth over 300,000 (three hundred thousand) ALL, carried out during the declaration year;
Private interests of other types, different from those specified in Article 4 of this Law, may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by order of the Inspector General.
2. Subjects specified in Article 3/1 of this law, shall be obliged to declare – to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests – their private interests, their sources, as well as their domestic and out-of-country financial obligations, in compliance with Article 5/1 of this law and in accordance to the timeframes stipulates by the effective legislation.
Q206 (2022): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, eg. for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.
Q206 (2021): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, e.g., for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.
Q207 (General Comment): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.
Q207 (2024): Another declarations of assets from prosecutors is the Periodic/Annual Private Interest Statement, which are declared during each time the prosecutors apply for promotion in higher positions. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests
Q207 (2021): Another declarations of assets from prosecutors is the Periodic/Annual Private Interest Statement, which are declared during each time the prosecutors apply for promotion in higher positions. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

Q208 (General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.
When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

Q208 (2021): accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.
When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions

Q211 (General Comment): Article 25/1
Complete audit of the declaration of assets and private interests
1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:
a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
d) Every 5 years for other officials not included in the above letters.
Points 2 and 3 are abrogated
4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.
5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Q214 (General Comment): Fine, Article 40/1 of the law no.9049/2003 provides that "1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below:
a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL" criminal sanction, Article 257/a/1 of the Criminal Code "Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration" provides that "The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment" disciplinary sanction, Article 15 of the Law no.9049/2003 provides that "The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets".
Q215 (2024): The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.

Q215 (2023): *The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.

Q215 (2022): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions
in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal
Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;
(d) False declaration; (e) Assessee found in situation of conflicts of interests.
For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To ilustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

Q223 (2022): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons.HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.
The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).
Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation subjects and related persons).
The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

Q217 (General Comment): 1.Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule.
2.The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations.
3.The official cannot accept gifts given to him because of his position by a private individual, natural or legal person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are excluded acceptance of preferential gifts or treatments for protocol reasons interest of any kind.
4.Law no. 96/2016 date 6.10.2016 art. 9.

Q217 (2024): Regulation/procedure for recusal/withdrawal from a case – article 72-75 Civil Procedural Code + Article 15-22 Criminal Procedural Code;
Regulation on combining the profession of a judge with other functions/professional activities Article 9 of the Law no 986/2016 “On the status of judges and prosecutors in the Republic of Albania

Q217 (2023): No changes from previous years.
Q217 (2022): Regulation/procedure for recusal/withdrawal from a case – article 72-75 Civil Procedural Code + Article 15-22 Criminal Procedural Code;
Regulation on combining the profession of a judge with other functions/professional activities Article 9 of the Law no 986/2016 “On the status of judges and prosecutors in the Republic of Albania

Q217 (2021): https://www.ildkpki.al/legjislacioni-section2-en/?lang=en law on conflicts of interes provides rules on reporting a potential conflict of interest
Withdrawing from a case is regulated in civil procedure code and criminal procedure code
http://www.gjykataelarte.gov.al/web/etika_4929.pdf
Code of ethics provides the relevant rules for gifs other ethics issues

Q225 (General comment). Article 5 of the Law no 96/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. Magistrates may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced;

d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh)are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.

3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on:

a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.

5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council.

6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extraoffice activities which do not fall under the scope of powers of the Council, where the magistrate:

a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law;

8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.

9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

Q218 (2024): In regard to “Research and publication” the possibility of giving contribution to doctrine “Without remuneration” is included as it is not prohibited. In regard of the extra-office activity of judges, article 9 of Law No. 96/2016 foresees as quoted below: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function; c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced; d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh) are not incompatible with the exercise of the magistrates’ function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities. 3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on: a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months. 5. Before accepting an assignment to undertake a remunerated extra-office activity, the magistrate must obtain the consent of the relevant Council. 6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extra-office activities which do not fall under the scope of powers of the Council, where the magistrate: a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law. 8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.

Q218 (2023): In regard of the extra-office activity of judges, article 9 of Law No. 96/2016 foresees as quoted below: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function; c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced; d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh) are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities. 3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on: a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months. 5. Before accepting an assignment to undertake a remunerated extra-office activity, the magistrate must obtain the consent of the relevant Council. 6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extra-office activities which do not fall under the scope of powers of the Council, where the magistrate: a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law. 8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office. From the given answer, "Teaching" remains "with remuneration" as the previous year. In regard to "Research and publication" the possibility of giving contribution to doctrine "Without remuneration" is included as it is not prohibited.

Q222 (2022): Article 9 of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced;
d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh)are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.
3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on:
a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.
5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council.
6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extraoffice activities which do not fall under the scope of powers of the Council, where the magistrate:
a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law;
8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.
9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

Q222 (General Comment): In the Law "On the status of judges and prosecutors", as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Q222 (2023): *No changes from previous year.

Q223 (General Comment): Please briefly describe the procedure: Please note that civil procedure code and criminal procedure code have been checked because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so.
Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the status of judges and prosecutors, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".
Q223 (2023): *No changes from previous year.

Q22-1 (General comment): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons.HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.
The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).
Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation subjects and related persons).
The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

Q22-1 (2022): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
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Q220 (**General comment**): There is legislation in force which already prohibits the conflict of interests of the prosecutors during the exercise of their public function:
1. Criminal Procedure Code (as above mentioned);
2. Law “On the status of judges and prosecutors”, as amended;
3. Law no. 9367, dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended;
4. Order no. 141, dated 19.07.2014 “On adoption of rules on ethics and conduct of prosecutors”, of General Prosecution Office (as above mentioned).
In Articles 6-7, of the Law “On the status of judges and prosecutors”, as amended, concerning incompatibilities with the function of magistrate, it is provided that the function of magistrate is incompatible with the ... conduct of any political activity, whether or not the activity is carried out in conjunction with any political party or not, which may affect the independence of the magistrate, create a conflict of interest or, in any event, create the impression that the magistrate is impartial and unaffected.
Also, the Magistrate is prohibited from actively owning shares or portions of the capital of a business organization, or passively owning shares or portions of the capital of a business organization, if the company has profits or benefits from public contracts, in accordance with the prevention legislation of the conflict of interest in force as well as passively owning shares or portions of the capital of a company in which the activity of the magistrate is prohibited because it creates a conflict of interest.
According to Articles 32 and 35, of the Law “On the status of judges and prosecutors”, as amended, High Prosecutorial Council verifies the integrity and assets before the candidates are accepted in the initial formation/training in the School of Magistrates, part of which is the evaluation of possible conflict of interests based on the reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.
According to Article 90, of the Law “On the status of judges and prosecutors”, as amended, part of the evaluation of the prosecutor's performance are:
a) … reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
b) the number of cases in which prosecutors have been expelled due to a conflict of interest.
Also, according to Article 102, of the Law “On the status of judges and prosecutors”, as amended, disciplinary violations in the exercise of office shall be the actions, omissions or behaviours of the magistrate, as follows: …. p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.
In Article 7 of Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that:
1. Every official, in the exercise of his powers or in the performance of his public duties, on the basis of his recognition and in good faith, is obliged to make a preliminary, on a case-by-case basis, of the existence of his private interests, which may cause to arise a conflict of interest.

Q220 (2024): The following laws and sub-laws are related with the prevention of conflict of interest of prosecutors:
1. Constitution of the Republic of Albania.
2. Criminal Procedure Code.
3. Law “On the status of judges and prosecutors in the Republic of Albania”, as amended
4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended
5. Decision nr. 26, dated 22.02.2019, “On the activities out of function of the prosecutors”, of High Prosecutorial Council
6. Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor", of High Prosecutorial Council
7. Decision no. 407, dated 17.12.2021, "On the approval of the Regulation" On the organization and internal functioning of the High Council of the Prosecution ", of High Prosecutorial Council
Article 148/d, of the Constitution provides that:
1. The prosecutor bears disciplinary responsibility under the law; 2. A prosecutor shall be dismissed by the High Prosecutorial Council when:
a) commits serious professional or ethical violations that discredit the position and image of the prosecutor in the exercise of his or her duties;
Article 149/a
1. High Prosecutorial Council exercises these responsibilities:
……..
ç) approves the rules on ethics and supervise their respecting.
In Article 26, point 1, of the Criminal Procedure Code is provided that:
“1. Prosecutor is obliged to give up when there exist reasons for bias on the cases provided in Article 17.”
In Article 17, of the Criminal Procedure Code is provided that:
1.A judge has the duty to quit the judgment of a particular case: a) when there is interest in the proceedings or when one of the private parties or a defence counsel is a debtor or creditor of his, his spouse or his children;
b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;
c) when he has given advice or when he has expressed an opinion on the object of the proceedings;
ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;
d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;
dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;
e) when it is in one of the conditions of non-compliance provided for in Articles 15 and 16;

2. Criminal Procedure Code.
3. Law “On the status of judges and prosecutors in the Republic of Albania”, as amended
4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended
5. Decision nr. 26, dated 22.02.2019, “On the activities out of function of the prosecutors”, of High Prosecutorial Council
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b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;

c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;

d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;

dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

e) when it is in one of the conditions of non-compliance provided for in Articles 15 and 16;

ë) when there are other important causes of bias.”

Q220 (2022): The following laws are related with the prevention of conflict of interest of prosecutors:

1. Constitution of the Republic of Albania.
2. Criminal Procedure Code.
3. Law “On the status of judges and prosecutors in the Republic of Albania”, as amended
4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended
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b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;

c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;

d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;

dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

e) when it is in one of the conditions of non-compliance provided for in Articles 15 and 16;

Q220 (2022): The following laws are related with the prevention of conflict of interest of prosecutors:

1. Constitution of the Republic of Albania.
2. Criminal Procedure Code.
3. Law “On the status of judges and prosecutors in the Republic of Albania”
4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions” 5. Decision nr. 26, dated 22.02.2019, “On the activities out of function of the prosecutors”, of the High Prosecutorial Council.
6. Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor", High Council of the Prosecution.
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b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;

c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;

d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;

dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

e) when it is in one of the conditions of non-compliance provided for in Articles 15 and 16;

Q227 (General Comment): According to Article 9, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:
a) are in accordance with the dignity of exercising the function;
b) do not create perceptions of influence or bias during the exercise of the function;
c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
ç) do not conflict with the purpose for which the workload has been reduced;
d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.
The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation.
The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.

Q227 (2024): According to Article 9, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:
a) are in accordance with the dignity of exercising the function;
b) do not create perceptions of influence or bias during the exercise of the function;
c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
ç) do not conflict with the purpose for which the workload has been reduced;
d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.
The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation. The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.
Also, the prosecutor, without violating the established deadlines and the efficient exercise of the functions, can participate in unpaid activities (without remuneration) outside the function, without the approval of the High Prosecutorial Council, only in cases where:
a) acts as a representative of the prosecution;
b) participates in activities for issues related to the judicial or prosecution system and makes general public statements within the framework of participation in these activities;
c) participates in discussions on legal issues.

Q227 (2023): According to Article 9, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:
a) are in accordance with the dignity of exercising the function;
b) do not create perceptions of influence or bias during the exercise of the function;
c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
ç) do not conflict with the purpose for which the workload has been reduced;
d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.
The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation.
The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.
The prosecutor, without violating the established deadlines and the efficient exercise of the functions, can participate in unpaid activities (without remuneration) outside the function, without the approval of the High Prosecutorial Council, only in cases where:
a) acts as a representative of the prosecution;
b) participates in activities for issues related to the judicial or prosecution system and makes general public statements within the framework of participation in these activities;
c) participates in discussions on legal issues

Q232 (2024): According to the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, failure to file a request for waiver of proceedings or adjudication of the case, where is mandatory, by law, if the magistrate was aware or should have been aware of such circumstances is a disciplinary violation. Anyone can submit a complaint to the High Inspector of Justice against a prosecutor to investigate whether the latter has exercised the function under conditions of conflict of interest. If, after the disciplinary investigation, it is established that there has been a disciplinary violation from the magistrate, the High Inspector of Justice proposes to the High Prosecutorial Council, the approval of a disciplinary measure. In Decision no. 407, dated 17.12.2021, "On the organising and functioning of High Prosecutorial Council" of High Prosecutorial Council regarding the conflict of interest is provided that:

1. A member of the Council shall avoid actual, apparent or potential conflicts of interest and other legal obstacles to perform his or her duties in good faith.
2. A member of the Council shall take active measures to prevent actual, apparent or potential conflicts of interest arising from family, gender or in-law relationships.
3. Each member of the Council shall, immediately upon receipt of the agenda and materials for a future meeting of the Council, the Commission or the working group and, in any case, before voting on the relevant issue, declare the conflict of interest or obstacle. The member of the Council who has declared the conflict of interest or obstacle shall not participate in the discussion or voting of the relevant issue.
4. If a conflict of interest occurs, the member shall request to withdraw from the discussion or vote. The decision to accept the resignation of the member shall be taken by the Head of the Council. When the Head resigns, the decision to accept it shall be taken by the Deputy Head.
5. If a member is aware that another member of the Council is in a conflict of interest or obstacle, he shall declare it immediately upon becoming aware of it and, in any case, before the vote of the relevant issue.
6. The member, for whom a conflict of interest or legal obstacle is alleged, shall declare his position regarding this claim. If the member considers that the claim is valid, as the case may be, he shall not participate in the discussion or voting on the relevant issue or shall withdraw. When the request for withdraw is submitted in a plenary session, a meeting of the Commission or a working group, the discussion or voting on the issue in question shall be postponed to the next plenary session or Meeting. 7. The parties may request the exclusion of a member of the Council from participating in the administrative procedure, only at the preliminary stage of the process, when exists one of the grounds for withdraw the procedure according to the law, and the member does not voluntarily withdraw on that issue. The decision to exclude a member from the participation in the plenary meeting or Commission shall be taken by the Council, in accordance with the rules provided for in the law. When the exclusion of the Head of the Council is requested, the meeting shall be chaired by the Deputy Head of the Council. 8. In the event that the Council deems it necessary, it shall request an official opinion from the HIDAACCI regarding the situation of the conflict of interest.

Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interests in the exercise of public functions", as amended, aims to ensure that the exercise of public duty is carried out without being influenced by the private interests of the official, directly or indirectly, which affect, may affect or appear to affect the improper performance of his public duties and responsibilities. This law defines the rules, tools, ways, procedures, responsibilities and powers for the identification, declaration, registration, treatment, resolution and punishment of cases of conflict of interest. The law is enforced by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI).

According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor

Q231 (2023): Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interests in the exercise of public functions", as amended, aims to ensure that the exercise of public duty is carried out without being influenced by the private interests of the official, directly or indirectly, which affect, may affect or appear to affect the improper performance of his public duties and responsibilities. This law defines the rules, tools, ways, procedures, responsibilities and powers for the identification, declaration, registration, treatment, resolution and punishment of cases of conflict of interest. The law is enforced by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI).
According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor and is punishable by a fine. The fines are higher, according to the evaluation of the measure of the violation and according to the level of increase in the official's position.
In article 45, it is determined that any violation of the obligations defined in this law by officials constitutes a disciplinary violation, regardless of criminal or administrative liability.
The measures and procedures defined by the Constitution and the relevant law (Law "On the status of judges and prosecutors", as amended) apply to officials who are members of constitutional bodies (such as prosecutor's offices). According to Article 26, of Criminal Procedural Code, the prosecutor has the duty to resign when there are reasons of one-sidedness in the cases provided by Article 17. On the declaration of relinquishment, according to their duties dhe decision is taken from the head of the prosecution at the court of first instance, of the prosecution at the court of appeal, the General Prosecutor and the head of the Special Prosecution. For the heads of prosecutions, the decision is taken from dhe heads of the higher prosecution offices. With the decision accepting the relinquishment declaration, the prosecutor who resigned is replaced by another prosecutor.
In Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor" of High Prosecutorial Council is provided that, the head of the prosecution office oversees compliance with the rules of conduct and ethics of the prosecutor and reports every problem to the High Council of Prosecution. Violation of the standards of ethics and rules of conduct of the prosecutor when it does not constitute grounds for disciplinary responsibility is taken into consideration within the ethical and professional assessment of the prosecutor. According to the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, failure to file a request for waiver of proceedings or adjudication of the case, where is mandatory, by law, if the magistrate was aware or should have been aware of such circumstances is a disciplinary violation. Anyone can submit a complaint to the High Inspector of Justice against a prosecutor to investigate whether the latter has exercised the function under conditions of conflict of interest. If, after the disciplinary investigation, it is established that there has been a disciplinary violation from the magistrate, the High Inspector of Justice proposes to the High Prosecutorial Council, the approval of a disciplinary measure

Q231 (2022): Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interests in the exercise of public functions", as amended, aims to ensure that the exercise of public duty is carried out without being influenced by the private interests of the official, directly or indirectly, which affect, may affect or appear to affect the improper performance of his public duties and responsibilities. This law defines the rules, tools, ways, procedures, responsibilities and powers for the identification, declaration, registration, treatment, resolution and punishment of cases of conflict of interest. The law is enforced by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI).
According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor and is punishable by a fine. The fines are higher, according to the evaluation of the measure of the violation and according to the level of increase in the official's position.
In article 45, it is determined that any violation of the obligations defined in this law by officials constitutes a disciplinary violation, regardless of criminal or administrative liability.
The measures and procedures defined by the Constitution and the relevant law (Law "On the status of judges and prosecutors", as amended) apply to officials who are members of constitutional bodies (such as prosecutor's offices). According to Article 26, of Criminal Procedural Code, the prosecutor has the duty to resign when there are reasons of one-sidedness in the cases provided by Article 17. On the declaration of relinquishment, according to their duties dhe decision is taken from the head of the prosecution at the court of first instance, of the prosecution at the court of appeal, the General Prosecutor and the head of the Special Prosecution. For the heads of prosecutions, the decision is taken from dhe heads of the higher prosecution offices. With the decision accepting the relinquishment declaration, the prosecutor who resigned is replaced by another prosecutor.
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Q152 (2022): In the law "On the status of judges and prosecutors" as amended, are the provided possible cases for breaches of rules on conflict of interest in respect of prosecutors, as follows:
Article 101
Disciplinary violations
1. The Magistrate commits a disciplinary offense, wilfully or negligently, when:
a) commits acts or omissions which constitute a breach of duty, unprofessional or unethical conduct in the exercise of his or her office, which discredit the position and image of the magistrate, or impair public confidence in the judicial or prosecutorial system;
b) in the exercise of his function does not refer to the law or to facts, intentionally or because of gross negligence, or where there is manifest professional disabilities."
Article 102
Disciplinary violations related to the exercise of function
1. Disciplinary violations in the exercise of office shall be, in particular, but not limited to, the actions, omissions or behaviours of the magistrate, as follows:
a) failure to file a request for waiver of proceedings or adjudication of the case, where is mandatory, by law, if the Magistrate was aware or should have been aware of such circumstances;
b) filing a request for waiver of the proceeding or adjudication of the case, if such action:
i. is not based on the reasons provided by law;
ii. done with the intent to create unjust benefits for the parties and third parties or aims at avoiding the legal obligation to examine the case or to enable the case to be examined by another magistrate;
iii. it is not carried out immediately after becoming aware of the cause;
…….
dh) the action, inaction or conduct of the magistrate, which brings unfair benefits or damages to the parties in a judicial or investigative proceeding contrary to the law;
……..
g) serious or repeated violation of the legal and sub-legal provisions regulating the organization and functioning of the courts or the prosecution;
…….
i) to notify the Head and the Council, as well as the competent authorities, by law, of interference or other forms of influence by other Magistrates, lawyers, political functionaries, public officials or other entities;
……
p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.
2. Subject to the provisions of subparagraph (b) of paragraph 1 of Article 101 of this law, disciplinary offenses in the exercise of the function of magistrate shall be, in particular, but

Q232 (General Comment): Please briefly describe the procedure: In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.
Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the status of judges and prosecutors, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".
Q232 (2023): No changes from previous years.

Q232 (2021): other: In the Law “On the status of judges and prosecutors” is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Q233 (2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;
(d) False declaration; (e) Assessee found in situation of conflicts of interests.
For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2020; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, for 2020 the IQC (the first vetting body) has dismissed from duty 32 judges, and 12 prosecutors.

Q234 (General Comment): According to article 194, paragraph 1, of law no: 115/2016 "On governance institutions of the justice system", as amended, The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices.
Q234 (2023): NA
Q234 (2022): Disiplinary body (Hight Inspector of Justice)
Q235 (General Comment): According to article 61, paragraph 2, letter "b", of law no. 115/2016 ""On governance institutions of the justice system", as amended, The High Judicial Council shall assume the following competences in the plenary meeting: b) decides on the disciplinary measures on judges of all levels.

Q235 (2024): According to article 194, paragraph 1, of law no: 115/2016 “On governance institutions of the justice system”, as amended, The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices
Q235 (2023): NA
Q236 (General Comment): NA
Q237 (2024): Disciplinary violations related to the exercise of the function
Q237 (2023): NA

Q238 (2024): By number of cases completed, we mean the total number of disciplinary proceedings requests brought before the High Judicial Council for a disciplinary hearing.
Q238 (2023): NA

Q239 (General Comment): According to article 138, paragraph 1, of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, if there is reasonable doubt that the magistrate has committed a disciplinary misconduct, the High Justice Inspector shall initiate the disciplinary proceeding by submitting the investigation report together with the investigation file. As per article 146, paragraph 2 of law no. no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended. After having considered all facts and evidence the Council shall either: a) Reject the request for disciplinary proceeding, on the grounds that the facts alleged did not occur or that they do not constitute a disciplinary misconduct; b) Uphold the allegations and impose one or more disciplinary measures

Q239 (2023): NA
Q241 (General Comment): NA
Q241 (2024): The Appeal Chamber is the competent body to adjudicate appeals against decisions of the High Judicial Council, or High Inspector of Justice imposing disciplinary sanctions against judges. The Constitutional Court is the competent body to adjudicate appeals against the decision of dismissal, as a disciplinary decision.
Q241 (2023): NA
Q242 (General Comment): NA

Q242 (2024): -Transfer without Consent. – Aricle 44 of the law No 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”;
1. Magistrates shall be transferred without their consent only in the following cases: a) implementing a disciplinary measure; b) where a magistrate’s position is abolished as the result of changes in the administrative structure and territorial powers of the courts or prosecution offices, following an assessment based on objective and transparent criteria; c) as a consequence of establishing a family relationship amounting to an environmental incompatibility in the sense of Article 8, of this Law; ç) in case of temporary shortage of magistrates in a court or prosecution office which cannot be covered by the magistrates in the mobility scheme in accordance with the provisions contained in the Article 46 of this Law.
2. Where a magistrate’s position is abolished in accordance with letter ‘b’ of paragraph 1 of this Article, he or she shall: a) be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office where the magistrate has previously exercised the function, or where this is not possible, b) have the right to choose to be transferred to any position at the same level, that is vacant or expected to become vacant within up to six months upon the abolition of the position, in a court or prosecution office of the same level, of the same material competence. 3. In case of a temporary shortage of magistrates under letter ‘ç’ of paragraph 1 of this Article, the Council shall assign a magistrate from the mobility scheme or transfer a magistrate temporarily in accordance with Article 46 of this Law. 4. A magistrate shall have the right to appeal against a decision on a transfer without consent before the court. The examination of the appeal by the court shall not suspend the transfer decision .
-due to the creation of family relationships that lead to environmental incompatibility, according to Article 8 of this law;
-due to the temporary absence of magistrates in the courts and the prosecutor's office, which cannot be filled by the magistrates who are in the delegation scheme, according to the provisions made in Article 46 of this law.

Q242 (2023): NA
Q243 (General Comment): NA
Q243 (2024): High Inspector of Justice according to article 194, paragraph 1, of law no: 115/2016 “On governance institutions of the justice system”, as amended, The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices
Q243 (2023): NA
Q243 (2022): Disiplinary body (Hight Inspector of Justice)
Q243 (2021): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own
initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council,
High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.
Q244 (General Comment): According to article 159, paragraph 2, letter “b”, of law no. 115/2016 ““On governance institutions of the justice system”, as amended, The High Prosecutorial Council shall assume the following competences in the plenary meeting: b) decides on the disciplinary measures on prosecutors of all levels
Q244 (2023): NA
Q244 (2022): High Prosecutorial Council
Q246 (2024): Disciplinary violations related to the exercise of the function
Q247 (2024): Disciplinary violations related to the exercise of the function

Q247 (2023): NA

Q248 (2022): In the case of the second disciplinary proceeding completed during 2022, the High Justice Inspector has proposed to the High Prosecutorial Council, the appointment of the disciplinary measure "Public notice" for the prosecutor and for the head of the prosecution office, for the disciplinary violations provided in Article 102/1, letters "ç", "dh", and "l", of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended. At the end of the disciplinary proceeding, with Decision no. 31, dated 24.02.2022, High Prosecutorial Council rejected the proposal of the High Justice Inspector to give the disciplinary measure "Public notice" to the two magistrates.
Q251 (2024): According to Law no. 115/2016 “On the governance institutions of justice system”, as amended, individual administrative acts (decisions) of the High Prosecutorial Council that impose disciplinary measures on prosecutors are appealed to the Constitutional Court.
Q251 (2023): NA
Q251 (2022): Article 147 of the Law no. 96/2016 ON THE STATUS OF JUDGES AND PROSECUTORS
IN THE REPUBLIC OF ALBANIA
Right to Appeal Disciplinary Decisions
1. The magistrate shall have the right to appeal a decision imposing a
disciplinary measure before the competent court.
2. The High Justice Inspector shall have the right to appeal any decision of
the Council in disciplinary matters before the competent court.

Bosnia and Herzegovina

Q156 (General comment): Parties to court proceedings may lodge complaints about the work of courts to various institutions in Bosnia and Herzegovina, as explained in the response below. If those institutions find that the complaints are well founded, they order that irregularities in the work of the court be corrected and in addition, in some cases, award compensation to the complainants. The information provided in the answer to the Question 156 relates to all complaints about the work of the courts submitted to the institutions listed below in 2023.

Excessive length of proceedings/Non execution of court decisions: A person whose right to a fair trial is violated by the excessive length of court proceedings or non-execution of the court decisions, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. Based on Article VI of the Constitution the Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. According to Article 16, paragraph 3 of its Rules, the Constitutional Court may examine, within its appellate jurisdiction, an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. The Court admits appeals, based on the aforementioned provision of the Rules, alleging that a court of general jurisdiction has breached both Article II/3.e of the Constitution and Article 6, paragraph 1, of the European Convention on Human Rights by exceeding a reasonable time for determining a court case (i.e. any sort of a court case). If the violation is found, the Constitutional Court orders the court of general jurisdiction to finalize the case in question without any delay.

In a decision granting an appeal, the Constitutional Court may also award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court. The compensation is paid from budget of the government financing the court of general jurisdiction found to be responsible for the excessive length of proceedings.

In addition, a legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established recently in several jurisdictions in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In the remaining jurisdictions in Bosnia and Herzegovina, a legislative procedure is underway for the adoption of a legal framework on the protection of the right to a trial within a reasonable time. Wrongful arrest/detention and wrongful conviction: Terms under which person is entitled to compensation of damages for wrongful arrest and wrongful conviction are provided in criminal procedure codes. These terms are provided as follows:

Wrongful arrest - a person is entitled to compensation of damages in the following cases: (i) a person who was in detention, but criminal proceedings were not instituted or proceedings were dismissed or a final verdict was pronounced acquitting the person of charges or charges were rejected; (ii) a person who was subjected to unlawful detention or retained in detention or a correctional institution due to a mistake; (iii) a person who was in detention longer than the sentence to which he was convicted; (iv) a person who served a sentence of imprisonment, and was pronounced a shorter imprisonment sentence in reopened criminal proceedings than the sentence he had served, or was pronounced a criminal sanction other than imprisonment or he was pronounced guilty but freed from sanction; (v) a person who was imprisoned without a legal ground is entitled to compensation of damages if no pretrial detention was ordered against him or the time for which he was imprisoned was not included in the sentence pronounced for a criminal offense or minor offense.

Q156 (2024): The particular circumstances under which the Constitutional Court of BiH operated in 2024 are one of the factors contributing to the higher number of granted claims. As in previous years, the Constitutional Court of BiH has experienced certain organisational problems with regard to its inability to set up the judge panels because of the court's vacant posts, which affects the dynamics of its work. In the light of the above, the Constitutional Court of BiH makes efforts to resolve priority cases as quickly as possible. As a result, the number of resolved claims alleging the violation of the right to a decision within a reasonable time has increased.
As for the claims submitted to other institutions (i.e. ministries of justice at the state and entity level of government) competent for their resolution, there has been no variation in the number of granted claims. What is important to note is that the circumstances in each individual case (the length of pre-trial detention and similar) have contributed to an increase in the amount of compensation for the violation of the party's rights because of unjustified deprivation of liberty.
In addition to the above-mentioned, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences, the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 280 complaints against courts in 2024; the structure of the complaints was as follows: 50 complaints alleging excessive length of proceedings, 32 complaints alleging ineffective enforcement of court decisions, 17 complaints against judges for violation of procedural laws, 8 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 173 complaints related to the violation of other rights related to court procedure. In 2024 the Ombudsman issued 62 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.
The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors.
ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless upon a showing of a cause that an extension is justified. In these proceedings, complainants are not entitled to compensation if their complaint is found to be sound. The number of complaints ODC received in 2024 was 945. This information is not included in the data prepared for Question 156, as the HJPC does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.

Q156 (2023): As the most relevant institution for the Question 156, the Constitutional Court of Bosnia and Herzegovina (the Constitutional Court) reported reduced number of requests in 2023 compared to 2022. Namely, during 2023, the Constitutional Court functioned to a reduced extent because the vacant positions in this court could not be filled due to reasons falling within the competence of legislative institutions. In addition, the Constitutional Court stated that the appellate jurisdiction of this institution continues to be influenced by the right of parties in court proceedings to appeal to the court of general jurisdiction for the acceleration of proceedings under relatively new legislation that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established in three out of four main different jurisdictions in Bosnia and Herzegovina.

According to this legal framework, the parties to the court proceedings have two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. As for the time-limits under this legislative framework, the court proceedings may file a motion for procedure expedition to the court processing the case for which expedition is requested (time limits for the court to decide: 60 days in first instance proceedings; 30 days in second instance proceedings).

Furthermore, parties to legal proceedings have the right to seek damages for violation of the right to a trial within a reasonable time (time limit for the relevant courts to decide: no later than six months from the date of receipt of the action). When it comes to the number of motions to expedite case resolution, a total of 128 motions were filed to the courts in 2023. In 2023, the courts granted 25 and denied/dismissed 49 motions of the parties. In addition, the courts received 19 claims for damages last year. In 9 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 14 cases.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 367 complaints against courts in 2023; the structure of the complaints was as follows: 62 complaints alleging excessive length of proceedings, 50 complaints alleging ineffective enforcement of court decisions, 23 complaints against judges for violation of procedural laws, 9 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 223 complaints related to the violation of other rights related to court procedure. In 2023 the Ombudsman issued 51 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors.

ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary

Q156 (2022): The Constitutional Court of Bosnia and Herzegovina reported that the influx of cases at the Constitutional Court of BiH varies from year to year. Depending on the influx, other data on cases of the Constitutional Court of Bosnia and Herzegovina also vary. The Constitutional Court of BiH could not give an answer as to what factors influenced that figure. In previous years, the only thing that was evident was that cases involving the length of court procedures and the non-enforcement of court decisions had an effect on the total number of incoming cases. This was not the case in 2022, due to the fact that a certain number of these cases were processed by courts within the new legislative framework that regulates the protection of the right to a trial within reasonable time. According to the Constitutional Court of BiH, most of their cases concern allegations regarding the violation of the right to a fair trial (Article 6 of the European Convention) and the right to property (Article 1 of Protocol No. 1 to the European Convention) as well as cases in which the Constitutional Court of BiH is petitioned to proceed as a court of the fourth instance.
A legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established in one part of the jurisdiction in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In other parts of the jurisdiction of BiH, the establishment of this legislative framework is underway. When it comes to the number of motions to expedite case resolution, a total of 154 motions were filed to the courts in 2022. In 2022, the courts granted 39 and denied/dismissed 76 motions of the parties. In addition, the courts received 15 claims for damages last year. In 7 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 5 cases.
The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 347 complaints against courts in 2022; the structure of the complaints was as follows: 29 complaints alleging excessive length of proceedings, 22 complaints alleging ineffective enforcement of court decisions, 12 complaints against judges for violation of procedural laws, 2 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 282 complaints related to the violation of other rights related to court procedure. In 2022 the Ombudsman issued 67 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants of the work of courts and other institutions.

Q156 (2021): Number of requests shown in the table refers to the requests received in 2021 and number of the condemnations refers to the total number of condemnations issued in 2021, regardless of the year of request.
There were some significant variations between data for 2020 and 2021.
The Constitutional Court of Bosnia and Herzegovina reported the increase of the number of condemnations for excessive length of proceedings and non-execution of court decisions in 2021. Namely, the Court concluded during the reporting year that the majority of the relevant legislative and other authorities in Bosnia and Herzegovina failed to meet the timeframe determined previously by that institution for taking legislative measures and other corrective activities to help reduce systematic violations of the right to trial within a reasonable time. Accordingly, the Court has intensified the processing of individual applications of the parties in court proceedings alleging infringement of the right to trial within a reasonable time or the right to have a court decision enforced. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2021 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders, the Constitutional Court of Bosnia and Herzegovina) explained that the numbers of requests and condemnations and the amount of compensation were based on the circumstances of individual cases.

Q156 (2019): Specific comments for 2019: Number of requests shown in the table refers to the requests received in 2019 and number of the condemnations refers to the total number of condemnations in 2019, regardless of the date of submission of the request.There are significant variations between data for 2019 compared to 2018 when it comes to the number of requests, the number of condemnations, and the amount of awarded compensations for the Excessive length of proceedings and the Non - execution of court decisions. The reason for the variations is a current temporary policy change of the Constitutional Court of Bosnia and Herzegovina, regarding admissibility and handling of individual applications, pending its request to the legislative authorities and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to take systemic measures to ensure the reasonable length of proceedings at the courts in Bosnia and Herzegovina. There are no particular reasons (e.g. change of policy or legislation) for the data differences between 2019 and 2018 for Wrongful arrest, Wrongful conviction, and Others. The variations are explained by the relevant institutions (i. e. ministries of justice, public defenders) as the increase or decrease, registered specially in 2019, in terms of the number of requests, the number of condemnations, and the amount of awarded compensations (e.g. Courts of general jurisdiction awarded in some cases relatively higher amounts of damages to the plaintiffs due to the specific facts and circumstances of those cases).

Q156-1 (General Comment): Other court and Ministry of justice - Requests that include compensation claims:
The Constitutional Court of Bosnia and Herzegovina has appellate jurisdiction over issues under the Constitution arising out of a judgement of any other court in Bosnia and Herzegovina. This includes appeals regarding excessive length of court proceeding, non-enforcement of judicial decisions, and other aspects of the right to a fair trial, as well as other rights protected by the European Convention. In addition, a legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established recently in several jurisdictions in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdiction to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. The court must decide within the strict legal deadline. In the remaining jurisdictions in Bosnia and Herzegovina, a legislative procedure is underway for the adoption of a legal framework on the protection of the right to a trial within a reasonable time. Compensation for wrongful arrest/detention and wrongful conviction is awarded in civil court proceedings which are initiated against public authorities by the person entitled to compensation. The filing of a lawsuit is preceded by an attempt to reach a settlement through the ministry of justice at the relevant level of government, which must decide on the compensation request within the strict legal deadline.
The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and The Institution of Human Rights Ombudsman of Bosnia and Herzegovina - Requests that do not include compensation claims:
The High Judicial and Prosecutorial Council (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors. ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless upon a showing of a cause that an extension is justified. In these proceedings complainants are not entitled to compensation if their complaint is found to be sound. The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. In performing its competences, the Ombudsman cannot decide on compensation for determined human rights violations.

Q160 (General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality.
The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary session decides on the petition for exemption of a judge in criminal proceedings.
Q161 (General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality.
The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary session decides on the petition for exemption of a judge in criminal proceedings.

Q161 (2024): 93% of procedures initiated during 2024. were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 10% procedures.

Q161 (2023): 97% of procedures initiated during 2023. were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 10% procedures.
Q161 (2022): 87% of procedures initiated during 2022 were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 9% procedures.
Q161 (2021): 96% of procedures initiated during 2021 were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 16% procedures.

Q161 (2019): 95% challenges submitted by the parties in proceedings during 2019 were resolved in the same year.

Q162 (General Comment): In December 2021, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the guidelines requiring the chief prosecutors in the country to prescribe internal procedure for issuing specific instructions. The guidelines read as follows: The chief prosecutor gives mandatory individual instructions for taking procedural and substantive prosecutorial decisions in accordance with the law. The instructions must be issued in writing and entered in the case file. The prosecutor is obliged to act in accordance with the individual instructions given by the chief prosecutor unless following such instructions would mean a violation of the law. If the prosecutor disagrees with the individual instructions, he will submit his dissenting opinion to the chief prosecutor. The chief prosecutor, after obtaining the opinion of the collegiate of the prosecutor's office, makes an elaborate decision in relation to the prosecutor's dissenting opinion. The chief prosecutors issued specific instructions to public prosecutors to make a certain decision (i.e. to investigate or not, to prosecute or not) or take a certain action in a total of 80 cases in 2022, following the general guidelines that the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted requiring the chief prosecutors to prescribe internal procedure for issuing specific instructions.

Q162 (2019): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and
conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law and on the forfeiture of property gain obtained by the commission of a criminal offence; to propose the issuance of a warrant for pronouncement of the sentence pursuant to the Code; to issue and defend indictment before the Court; to file legal remedies; to perform other tasks as provided by law. Senior public prosecutor shall have the right and duty to give mandatory instructions to the junior public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of junior public prosecutor; authorize a different junior public prosecutor to process individual cases that are within the competence of the junior public prosecutor; authorize a junior public prosecutor to perform individual activities that are within the competence of another junior public prosecutor.

Q162-0 (General Comment): The judicial system in in Bosnia and Herzegovina is consisted of both courts and prosecutor's offices, as mutually independent institutions in performing their powers. The law establishes prosecutor's offices and courts as autonomous institutions. Judges and prosecutors are considered to be judicial office holders. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina– an institution with mixed composition- appoints judges and prosecutors; it has identical competences over issues regarding both judges and prosecutors/courts and prosecutor's offices. The same legislation regulates salaries of public prosecutors and judges. Prosecutor's offices have their own respective budgets, adopted by parliaments in the procedure applicable to all other public institutions. Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions.

The basic right and the basic duty of the prosecutor is the detection and prosecution of perpetrators of criminal offenses. The prosecutor has have the following rights and duties: a) as soon as the prosecutor becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; b) to conduct an investigation in accordance with the law; c) to grant immunity in accordance with law; d) to request information from governmental bodies, companies and other physical and legal persons; e) to issue summonses and orders and to propose the issuance of summonses and orders in accordance with the law; f) to order authorized officials to execute an order issued by the court as provided by the law; g) to propose the issuance of a warrant for pronouncement of the sentence; h) to issue and defend indictment before the court; i) to file legal remedies; j) to perform other tasks as provided by the law.

The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programmes of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the

Q162-1 (General Comment): Please see the general comments provided in relation to Q 162.

Q162-1 (2022): Please see the comments in the general comments section (Q162).

Q162-1 (2021): Please see the comments in the general comments (Q162-0).

Q162-2 (General Comment): The instructions are issued in writing. Exceptionally, in emergency situations, instructions can be issued in oral form. The prosecutor may subsequently request that written instructions be issued.

Q162-2 (2022): Please see the general comments provided in relation to Q 162.

Q162-2-0 (General Comment): Please see the general comments provided in relation to Q 162.
Q162-3 (General Comment): Please see the general comments provided in relation to Q 162.
Q162-3 (2022): Please see the general comments provided in relation to Q 162.
Q162-4 (2022): Please see the general comments provided in relation to Q 162.
Q162-4-1 (2024): Data on the number of instructions were collected from the prosecutor's offices. The number of instructions issued in 2024 was slightly lower than the number of instructions from the previous reporting year (i.e. 2023:27).
Q162-4-1 (2023): Data on the number of instructions were collected from the prosecutor's offices. The number of instructions issued in 2023 is significantly lower than the number of instructions from the previous reporting year. The prosecutor's offices did not provide a specific explanation for these disparities.
Q162-4-1 (2022): Please see the general comments provided in relation to Q 162.
Q162-5 (General Comment): Please see the general comments provided in relation to Q 162.

Q164 (General Comment): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:
a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.
According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

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a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.
According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining
disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding
upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of
judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional
training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

Q166 (General Comment): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the performance prosecutors' offices, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for prosecutors.

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Q171 (2024): One judge received suspended sentence for domestic violence, which led to termination of his mandate. Other case for another judge is was ongoing at the end of the reporting year. In addition, the criminal case which had started during the reporting year against one of the prosecutors was closed after he died in 2024.
Q171 (2023): Although no judges or prosecutors were indicted in 2023, two criminal investigations were initiated by prosecutor's office – one against court president and one against prosecutor but indictments have not been confirmed by the competent courts yet. It should also be noted that judicial institutions are not formally obliged to inform HJPC regarding criminal proceedings against judges or prosecutors whose mandate was ceased (e.g. resignation or retirement).
Q171 (2022): ODC was informed about three investigations initiated against two judges and one prosecutor. ODC wasn't informed about end of the investigations.
One judge was sentenced to one-year prison sentence for corruptive criminal offence, in proceeding initiated last year.
Q171 (2019): In addition to one criminal case initiated against one judge in 2019, it should be noted that there are also pending criminal cases against 3 judges and 5 prosecutors that had been initiated in previous years.

Q172-0 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Guidelines for the prevention of conflicts of interest in the judiciary (July 2016), covering a) incompatibilities; b) reporting on property, income, obligations and interests; c) gifts and other benefits; d) contacts with third persons and abuse of confidential information; e) nepotism; and f) education and awareness-raising. The Guidelines elaborate the existing legislation and code of ethics and go into further detail with practical “do’s and don’ts” in a variety of situations.
There is an automated case assignment system in place, where cases are randomly assigned to judges, according to predetermined criteria.
In a situation where the judge to whom a case is assigned must, as required by law, be disqualified or recused from further proceedings, the case will be reassigned to another judge by the Court President or his deputy.
Disqualification of judges is governed by the civil procedure codes in Bosnia and Herzegovina (Law on Civil Procedure before the Court of BiH and civil procedure codes of the BiH Federation, Republika Srpska and Brcko District of BiH), which stipulate that:
a) the judge may be disqualified if circumstances exist that cast doubt to his impartiality (disqualification); b) the motion for disqualification of a judge shall be decided by Court President, and the motion for disqualification of Court President shall be decided by the court in plenary session; c) the provisions on disqualification of judges shall apply, mutatis mutandis, to record keepers. The criminal procedure codes of BiH, BiH Federation, Republika Srpska and Brcko District of BiH stipulate that:
a) the provisions on disqualification of a judge shall accordingly be applied to prosecutors and persons authorised to represent the prosecutor in the proceedings, record keepers, court interpreters and other staff members; b) the prosecutor shall decide the disqualification of persons authorised to represent him in criminal proceedings, and the Collegium of the Prosecutor’s Office shall decide the disqualification of the prosecutor. c) the panel, presiding judge or judge shall decide the disqualification of record keepers, court interpreters and other staff member, and, until the indictment is filed, it shall be decided by the prosecutor. In a situation where the judge to whom a case is assigned must be disqualified or recused from the case, the case will be reassigned to another judge. The same rule applies to prosecutors.
Case reassignment is governed by the books of rules on the case management systems in courts and prosecutor's offices (the Book of Rules on CMS and the Book of Rules on TCMS).
The case is reassigned to another judge by the Court President or a person authorised by him, who must state the grounds for reassignment.
The case is reassigned to another prosecutor by the Chief Prosecutor, who must state the grounds for reassignment.

Q172 (General Comment): https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1198/1178/1359
Q173 (2022): The ethical codices are updated on average every two to three years, as a result of monitoring their compliance and ethical practices, and the need for further improvement.
Q174 (General Comment): https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1198/1178/1359
Q176 (General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Q177 (General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.
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Q178 (2024): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions. In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. According to the analysis of the past practice, 45-50 responses on requests for opinions are submitted annually. The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function.

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Q178 (2019): The Committee usually meets once per month.
Q178-1 (2024): Judges' requests for opinions are submitted regarding the permissibility of their participation as members of board of directors in sports clubs, as professors at faculties and universities, as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of their membership in bar or state exam panels, and performing these activities for a fee.
It is likely that due to the implementation of the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. article 85, paragraph 4), which started in early 2024 following the adoption of the Law in 2023, the number of judges requesting opinions rose in 2024 compared to 2023. This Law has made the procedure for giving opinions more detailed, which is why it is probable that judges in larger numbers have requested an opinion over 2024 so that they are more certain regarding this issue.
Q178-1 (2023): Judges' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of their membership in bar or state exam panels, and performing these activities for a fee.
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Q181 (General Comment): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions.
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Q181 (2019): The Committee usually meets once per month.
Q181-1 (2024): Prosecutors' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as members of board of directors in sports clubs, as basketball judges, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of membership in law enforcement bodies and committees, and performing these activities for a fee.
Q181-1 (2023): Prosecutors' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of membership in law enforcement bodies and committees, and performing these activities for a fee.
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Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

Additionally, all criminal codes adopted at different levels of government in Bosnia and Herzegovina contain chapters dedicated to the protection of judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties are prescribed as criminal offenses.

CRIMINAL CODE OF BOSNIA AND HERZEGOVINA Meaning of Terms as Used in this Code

Article 1 paragraph (3): “An official person means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law. “

Accepting Gifts and Other Forms of Benefits Article 217 (1) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought not to be performed by him, or for the omission of an act, which ought to be performed by him or whoever mediates in such bribing of an official or responsible person, shall be punished.

by imprisonment for a term between one and ten years. (2) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought to be performed by him, or for the omission of an act, which

Q222 (2023): In accordance with Article 17, item 17 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.
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The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties, are prescribed as criminal offenses.
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Q184 (General Comment): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the Automated Case Management System in Courts. Priority cases (e.g. cases involving detention, cases involving minors etc.) are distributed urgently as prescribed by the law or by the decision of the court president. The law stipulates shorter deadlines for priority cases, so these cases have to be allocated to judges urgently and judges have to start working on them immediately. It is possible to exclude a judge from the allocation for various reasons. Judge can be temporarily excluded due to illness, vacation, longer absence, over load with cases etc.

Q184 (2019): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the Automated Case Management System in Courts.

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Q185 (General Comment): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.
As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge.
In this regard, the legislation does not refer specifically to the conflict of interest, i.e. the laws do not foresee it as a separate category. However, it is in the law that the recusal of the judges as a legal term comprises all matters related to the protection of the impartiality in the court procedures. Consequently, it is not possible in Bosnia and Herzegovina to differentiate data on the number of reassigned cases for the following category: Recusal of the judge or requested by the parties. In the context of data on the total number of reassigned court cases in 2024 (i.e. 663 080), it is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases.

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Q185-1 (2022): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.
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Q186 (General Comment): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment.
Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option “Other reasons”. When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

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Q187 (General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.
All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.
Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
Regarding reassignment of cases:
All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd). Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

Q187 (2019): Regarding allocation of cases (assignment):
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Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
Regarding reassignment of cases:
All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

Q188 (General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system. All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.
Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
Regarding reassignment of cases:
All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).
Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

Q188 (2024): Due to misinterpretation of the "other" option in this part of the question 188, the option "all interventions on the system are irreversibly logged/registered" was not marked in the previous reporting cycles. It is confirmed that all interventions on the system are irreversibly logged/registered and, therefore, this option needs to be marked.
Q188 (2019): Regarding allocation of cases (assignment):
Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.
All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.
Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
Regarding reassignment of cases:
All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).
Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

Q190 (General Comment): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted.
Q190 (2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.
After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an administrative dispute initiated by the HJPC before the Court of of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in of Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2018 using an earlier financial statement form. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2019 using an earlier financial statement form.
Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

Q190 (2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.
Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH. Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.

Q192 (General Comment): Due to changes related to system of the declaration of assets by judges as provided by the Law on Amendments to the Law on the HJPC, adopted in September 2023, the HJPC adopted the new declaration of assets form on 28.02.2024. The judges are obliged to submit the declaration of assets form electronically using a web-based declaration form that constitutes an integral part of the declaration filing software. The declarations are filed via a web application prescribed by the HJPC BiH, using the declarant's user account. After electronic filing, the declarants must print, sign and deliver the electronic form to the HJPC BiH by either registered mail or in person. The content of the declaration filed electronically and delivered to the HJPC BiH by post or in person must be identical.
Pursuant to Article 86i of the Law on the HJPC BiH, the Council adopted in February 2024 the Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on Declaring Assets and Interest (hereinafter referred to as: "the Book of Rules"), which regulates, among other things, additional details related to the asset declaration form, including the attachments to be submitted with it, deadlines and the procedure for submitting of the asset declaration. The Instructions for Completing the Asset Declaration Form (hereinafter referred to as the "Instructions") were reviewed and adopted by the Council on session held on 17 and 18 July 2024.
Taking in the consideration that this is a new form of the asset declaration, and that it is the first time that it will be submitted electronically, the Council, at its session held on 27 and 28 November 2024, adopted the conclusion that judges are obliged to submit the initial asset declaration form for 2023 by 31 March 2025.

Q192 (2024): Due to changes related to system of the declaration of assets by judges as provided by the Law on Amendments to the Law on the HJPC, adopted in September 2023, the HJPC adopted the new declaration of assets form on 28.02.2024. The judges are obliged to submit the declaration of assets form electronically using a web-based declaration form that constitutes an integral part of the declaration filing software. The declarations are filed via a web application prescribed by the HJPC BiH, using the declarant's user account. After electronic filing, the declarants must print, sign and deliver the electronic form to the HJPC BiH by either registered mail or in person. The content of the declaration filed electronically and delivered to the HJPC BiH by post or in person must be identical.
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Q192 (2023): The Law on Amendments to the Law on the HJPC was adopted in September 2023, and it will be applied from 23 December 2023. The HJPC has been preparing all necessary documents for the implementation of these amendments, including new electronic form for filing asset and interest declarations currently being prepared by the HJPC's ICT Department.
Q192 (2019): Please consult the comments made for Q190.

Q194 (General Comment): In addition to the above stated options, in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, judges in Bosnia and Herzegovina are obliged to submit annual declaration of assets within the deadline set by the HJPC which shall not extend beyond 30 April of the current year.
A judge who is appointed to a judicial office for the first time, shall submit his/her entry declaration within 30 days from the day of assuming the office.
A judge whose mandate has expired shall submit his/her declaration pursuant to this Law for the first year following the expiry of their mandate.

Q194 (2024): In addition to the above stated options, in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, judges in Bosnia and Herzegovina are obliged to submit annual declaration of assets within the deadline set by the HJPC which shall not extend beyond 30 April of the current year.
A judge who is appointed to a judicial office for the first time, shall submit his/her entry declaration within 30 days from the day of assuming the office.
A judge whose mandate has expired shall submit his/her declaration pursuant to this Law for the first year following the expiry of their mandate.

Q194 (2023): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted. First appointment and promotion constitute a risk criterion requiring additional checks to be conducted ex officio in accordance with Article 86c paragraphs (4) to (8) of the Law on Amendments to the Law on the HJPC.).

Q195 (General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. The financial statement shall include information about spouses, children and other persons who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q195 (2024): In accordance with the Article 86, paragraph 1 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina the judges are obliged to submit the asset declaration for themselves, their spouse or civil-law partner, parents and children and other persons with whom they share a household (hereinafter: the Declaration).
Q195 (2023): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Q195 (2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.
Q195 (2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.
Q196 (General Comment): In accordance with the amendment to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. the Article 86e), which has been applied since 2024, HJPC has established the Register of Declarations on Assets and Interests. Declarations of judges and prosecutors whose mandate has terminated shall be expunged from the Register ten years after mandate termination. Expungement is suspended during any ongoing use of the declarations and attached documents by the Council or any other authority for an official procedure.

Q199 (General Comment): In accordance with the amendment to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. the Article 86e), which has been applied since 2024, HJPC has established the Register of Declarations on Assets and Interests. Declarations of judges and prosecutors whose mandate has terminated shall be expunged from the Register ten years after mandate termination. Expungement is suspended during any ongoing use of the declarations and attached documents by the Council or any other authority for an official procedure.

Q200 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Declarations of assets of all judges and prosecutors will be published on the website of the HJPC BiH.
Q200 (2024): The Article 86a. of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes that declaration of assets shall be published on the HJPC website with the purpose to strengthen integrity, transparency and public trust in the judiciary, and to prevent conflict of interest and other impermissible influence on the performance of a judicial office. The following data from the declaration shall not be available to the public: names of minor persons listed in the declaration, except for the first letter of their first name, personal identity number and residence address of the judge or prosecutor or other persons listed in the declaration, the name and number of the street where the property listed in the declaration is located, bank account numbers and other financial ID numbers, individual amounts of cash owned by a judge or prosecutor and individual amounts of money owned by other household members, registration numbers of vehicles.
Annual income tax return and other attachments that a judge submit with their declarations shall not be available to the public.
First and last names of the relatives of a judge working in the judiciary, the bar, public attorney or notary offices shall be published on the HJPC website. Relatives shall include relatives in the direct line of descent, relatives in the lateral line of descent up to a third degree, relatives-in-law to a second degree and the child of a spouse, spouse or a civil-law partner, adoptive parents and adopted children. Furthermore, the Article 21 of the Book of Rule is related to transparency of processing declaration and prescribes that annual declarations and end-of-term declarations of judges are published on the website of the HJPC within 30 days of the deadline for filing declarations. Initial asset declarations of newly appointed judges are published on the website of the HJPC within 30 days from assuming office. Information from asset declarations not available to the public pursuant to the Article 86a of the Law on the HJPC BiH is clearly marked in asset declaration form to be filled out electronically.
Information from asset declarations of judges whose term of office has been terminated will not be publicly available three years after the termination.

Q200 (2023): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH during 2023 (for the declaration of assets for 2022). The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Q200 (2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Q201 (General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 58 (List of Measures)
(1) The Council may impose one or more of the following disciplinary measures:
(a) A written warning which shall not be made public;
(b) Public reprimand;
(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

Q202 (2024): The Article 58, paragraph 1 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for judges which includes (among others):
l) violating provisions of this Law on submitting declaration of assets and interests;
Therefore non-declaration of assets is prescribed by the law explicitly as a disciplinary offence for the judge for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the judges:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion,determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
In order to support the disciplinary commissions and the Council in determining and imposing disciplinary measures in accordance with the Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council adopted in July 2016 internal Guidelines for Determining Disciplinary Measures in Disciplinary Proceedings. These

Q201 (2021): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder.
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(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate,
order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

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(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

Q202 (2022): The cases are pending.

Q202 (2019): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q203 (General Comment): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted.
Q203 (2024): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. The implementation of the Law has started in 2024. Therefore pursuant to the Article 86, paragraph 1 (Declaration of Assets and Interests) of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of BiH, number 25/04, 93/05, 48/07, 15/08, 63/23, 9/24 i 50/24) prosecutors are obliged to submit to the HJPC their initial and annual declaration of assets and interests, including the manner and time of acquiring those assets and their acquisition value, income, interests, liabilities, expenditures and guarantees for themselves, their spouse or civil-law partner, parents and children and other persons with whom they share a household.

Q203 (2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.
After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an administrative dispute initiated by the HJPC before the Court of of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in of Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2018 using an earlier financial statement form. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2019 using an earlier financial statement form. Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

Q203 (2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.
Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH. Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.
Q205 (2024): Due to changes related to system of the declaration of assets by judges as provided by the Law on Amendments to the Law on the HJPC, adopted in September 2023, the HJPC adopted the new declaration of assets form on 28.02.2024. The prosecutors are obliged to submit the declaration of assets form electronically using a web-based declaration form that constitutes an integral part of the declaration filing software. The declarations are filed via a web application prescribed by the HJPC BiH, using the declarant's user account. After electronic filing, the declarants must print, sign and deliver the electronic form to the HJPC BiH by either registered mail or in person. The content of the declaration filed electronically and delivered to the HJPC BiH by post or in person must be identical.
Pursuant to Article 86i of the Law on the HJPC BiH, the Council adopted in February 2024 the Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on Declaring Assets and Interest (hereinafter referred to as: "the Book of Rules"), which regulates, among other things, additional details related to the asset declaration form, including the attachments to be submitted with it, deadlines and the procedure for submitting of the asset declaration. The Instructions for Completing the Asset Declaration Form (hereinafter referred to as the "Instructions") were reviewed and adopted by the Council on session held on 17 and 18 July 2024.
Taking in the consideration that this is a new form of the asset declaration, and that it is the first time that it will be submitted electronically, the Council, at its session held on 27 and 28 November 2024, adopted the conclusion that prosecutors are obliged to submit the initial asset declaration form for 2023 by 31 March 2025.

Q205 (2023): The Law on Amendments to the Law on the HJPC was adopted in September 2023. The new legislation is in force since 23 December 2023. The HJPC has been preparing all necessary documents for the implementation of these amendments, including an electronic form for filing asset and interest declarations currently being prepared by the HJPC's ICT Department.
Q205 (2019): Please consult the comments made for Q203

Q207 (General Comment): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted. First appointment and promotion constitute a risk criterion requiring additional checks to be conducted ex officio in accordance with Article 86c paragraphs (4) to (8) of the Law on Amendments to the Law on the HJPC.).

Q207 (2024): In addition to the above stated options, in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, prosecutors are obliged to submit annual declaration of assets within the deadline set by the HJPC which shall not extend beyond 30 April of the current year. A prosecutor who is appointed to a judicial office for the first time, shall submit his/her entry declaration within 30 days from the day of assuming the office. A prosecutor whose mandate has expired shall submit his/her declaration pursuant to this Law for the first year following the expiry of their mandate.

Q207 (2023): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted. First appointment and promotion constitute a risk criterion requiring additional checks to be conducted ex officio in accordance with Article 86c paragraphs (4) to (8) of the Law on Amendments to the Law on the HJPC.).

Q208 (General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q208 (2024): In accordance with the Article 86, paragraph 1 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina the prosecutors are obliged to submit the asset declaration for themselves, their spouse or civil-law partner, parents and children and other persons with whom they share a household (hereinafter: the Declaration).

Q208 (2023): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q208 (2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.
Q208 (2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.
Q212 (General Comment): In accordance with the amendment to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. the Article 86e), which has been applied since 2024, HJPC has established the Register of Declarations on Assets and Interests. Declarations of judges and prosecutors whose mandate has terminated shall be expunged from the Register ten years after mandate termination. Expungement is suspended during any ongoing use of the declarations and attached documents by the Council or any other authority for an official procedure.

Q213 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Declarations of assets of all judges and prosecutors will be published on the website of the HJPC BiH.

Q213 (2024): The Article 86a. of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes that declaration of assets shall be published on the HJPC website with the purpose to strengthen integrity, transparency and public trust in the judiciary, and to prevent conflict of interest and other impermissible influence on the performance of a prosecutor's office. The following data from the declaration shall not be available to the public: names of minor persons listed in the declaration, except for the first letter of their first name, personal identity number and residence address of the judge or prosecutor or other persons listed in the declaration, the name and number of the street where the property listed in the declaration is located, bank account numbers and other financial ID numbers, individual amounts of cash owned by a judge or prosecutor and individual amounts of money owned by other household members, registration numbers of vehicles.
Annual income tax return and other attachments that a prosecutor submits with their declarations shall not be available to the public.
First and last names of the relatives of a prosecutor working in the judiciary, the bar, public attorney or notary offices shall be published on the HJPC website. Relatives shall include relatives in the direct line of descent, relatives in the lateral line of descent up to a third degree, relatives-in-law to a second degree and the child of a spouse, spouse or a civil-law partner, adoptive parents and adopted children. Furthermore, the Article 21 of the Book of Rule is related to transparency of processing declaration and prescribes that annual declarations and end-of-term declarations of prosecutors are published on the website of the HJPC within 30 days of the deadline for filing declarations. Initial asset declarations of newly appointed prosecutors are published on the website of the HJPC within 30 days from assuming office. Information from asset declarations not available to the public pursuant to the Article 86a of the Law on the HJPC BiH is clearly marked in asset declaration form to be filled out electronically.
Information from asset declarations of judges whose term of office has been terminated will not be publicly available three years after the termination.

Q213 (2023): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH during 2023 (for the declaration of assets for 2022). The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.
Q213 (2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Q214 (General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 58 (List of Measures) (1) The Council may impose one or more of the following disciplinary measures: (a) A written warning which shall not be made public; (b) Public reprimand; (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) Temporary or permanent reassignment to another court or prosecutor's office; (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024.
In Article 58 paragraph (1), item (c), after the word "salaries" the following words shall be added: "or emoluments", and in item (e), after the words: "to a position of a prosecutor" the following words shall be added: "or demotion from the position of a Council President or Vice-President to a position of a council member".

Q22-1 (2024): The Article 57, paragraph 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for prosecutors which includes (among others):
l) violating provisions of this Law on submitting declaration of assets and interests;
Therefore non-declaration of assets is prescribed by the law explicitly as a disciplinary offence for the prosecutor for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the prosecutors:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion,determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
In order to support the disciplinary commissions and the Council in determining and imposing disciplinary measures in accordance with the Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council adopted in July 2016 internal Guidelines for Determining Disciplinary Measures in Disciplinary Proceedings. These

Q214 (2019): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 58 (List of Measures)
(1) The Council may impose one or more of the following disciplinary measures:
(a) A written warning which shall not be made public;
(b) Public reprimand;
(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.
Q215 (2019): There were no proceedings against prosecutors according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q22: (General Comment): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND
PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.
2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.
2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.
Regulation on receiving gifts:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.
4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.
4.12 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a judge with other functions/professional activities:
THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 82
(General Prohibition against Incompatible Functions)
(1)A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial function or that would affect the independence or dignity of judicial or prosecutorial office, cast doubt upon his or her ability to act impartially, or demean judicial or prosecutorial office.

Q22: (2024): Regulation/procedure on reporting a (potential) conflict of interest: The Article 83 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina referring to the Referral to the Council prescribes that judge may request the Council's opinion on whether his/her activities are compatible with his or her office and the provisions of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. A court president may also request Council's opinion when he or she believes that a judge performs or intends to perform an activity that is incompatible with his or her office. Court president shall inform the judge concerned about the request for opinion.
In addition to issuing opinions in response to specific request, the Council may also, ex officio, issue its opinion on compatibility of a judicial office with the activities they perform upon receiving the information from Article 83, paragraph (3) of this Law. Council's opinion on compatibility of offices shall be binding and compliance with it shall protect the judge against the risk of disciplinary proceedings. Regulation/procedure for recusal/withdrawal from a case:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.
2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.
2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.
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4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.
4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.
4.12 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a judge with other functions/professional activities:
THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 82 (Prohibition against holding incompatible offices)

Q221 (2023) Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.
2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.
2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.
Regulation on receiving gifts:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.
4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.
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Regulation on combining the profession of a judge with other functions/professional activities:
THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 82
(General Prohibition against Incompatible Functions)
(1)A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial function or that would affect the independence or dignity of judicial or prosecutorial office, cast doubt upon his or her ability to act impartially, or demean judicial or prosecutorial

Q219 (General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q221 (2024): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q221 (2023): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q221 (2022): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q222 (General comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

(a)A written warning which shall not be made public;

(b)Public reprimand;

(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;

(d)Temporary or permanent reassignment to another court or prosecutor's office;

(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;

(f)Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

(a)the number and severity of the disciplinary offence committed and its consequences;

(b)the degree of responsibility;

(c)the circumstances under which the disciplinary offence was committed;

(d)the previous work and behaviour of the offender; and

(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.

(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Article 56. being engaged in activities that are incompatible with the prosecutorial function represents a

Q225 (Judicial councils): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56), being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;
(f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Article 56. Generally, according to the Law the following disciplinary measures may be pronounced for the legally

Q225 (2024): The Article 56, paragraph 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for judges that includes (among others):
c) not disqualifying himself or herself from hearing a case when a conflict of interest exists; o) being engaged in activities that are incompatible with the judicial function;
p) exceeding any limitations related to income generated from fees for additional activities;
t) accepting a gift or reward whose purpose is to inappropriately influence the judge's decisions or actions, including cases where the gift or reward only give an impression of inappropriate influence.
Therefore the breaches of rules on conflict of interests are prescribed by the law explicitly as a disciplinary offences for the judge for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the judges:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at

Q223 (2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its
consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Q224 (General Comment): .
Q224 (2024): At the end of 2024, disciplinary proceedings were underway, initiated during the reporting period, against two judges for failing to recuse themselves from their specific court cases.
Q224 (2019): The numbers included in the table refer to disciplinary procedures initiated against judges in the reference year.

Q229 (**Judicial Councils**): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in
writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case:THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A prosecutor shall ensure that his or her
conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to
minimize the occasions on which it will be necessary for the prosecutor to be disqualified.
2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.
2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial
office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the
existence of potential reasons for his/her recusal from the cases he/she is involved in.
2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor
should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.
Regulation on receiving giftsTHE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the prosecutor's family, shall
neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a prosecutor knowingly allow such conduct by the
prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.
4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended
to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA

Q229 (2024): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 85 (Opinions on Activities of a Judge or Prosecutor)
The Article 85 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina referring to the Referral to the Council prescribes that prosecutor may request the Council's opinion on whether his/her activities are compatible with his or her office and the provisions of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. A chief prosecutor may also request Council's opinion when he or she believes that a prosecutor performs or intends to perform an activity that is incompatible with his or her office. Chief prosecutor shall inform the prosecutor concerned about the request for opinion.
In addition to issuing opinions in response to specific request, the Council may also, ex officio, issue its opinion on compatibility of a prosecutorial office with the activities they perform upon receiving the information from Article 83, paragraph (3) of this Law. Council's opinion on compatibility of offices shall be binding and compliance with it shall protect the prosecutor against the risk of disciplinary proceedings.
Regulation/procedure for recusal/withdrawal from a case:
THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
2.2 A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified from cases.
2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a prosecutor should take into account in particular all of their previous duties and activities performed prior to taking the prosecutor's office.
2.2.b A prosecutor who intends to terminate their prosecutor's office or who knows that their office will be terminated by force of law or by the HJPC's decision, shall not use their prosecutor's office or prosecutor's resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.
2.2.c If a prosecutor knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the prosecutor should request to be recused. This implies that a prosecutor should take reasonable steps to be informed about financial, political or other interests of his/her family members.
Regulation on receiving gifts
THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
4.11 A prosecutor and members of the prosecutor's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a prosecutor knowingly allow such conduct by the prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.
4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA

Q228 (2023): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A prosecutor shall ensure that his or her conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified.
2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.
2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the existence of potential reasons for his/her recusal from the cases he/she is involved in.
2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.
Regulation on receiving gifts: THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the prosecutor's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a prosecutor knowingly allow such conduct by the prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.
4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 82
General Prohibition against Incompatible Functions
(1) A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial

Q228 (General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q230 (General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.
incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;
(f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of

Q231 (2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its
consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Q232 (Judicial Councils): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

(a)A written warning which shall not be made public;

(b)Public reprimand;

(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;

(d)Temporary or permanent reassignment to another court or prosecutor's office;

(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;

(f)Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

(a)the number and severity of the disciplinary offence committed and its consequences;

(b)the degree of responsibility;

(c)the circumstances under which the disciplinary offence was committed;

(d)the previous work and behaviour of the offender; and

(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.

(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Article 57

(Disciplinary Offences of Prosecutors)

Q152 (2024): The Article 57, paragraph 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for judges that includes (among others):
c) not disqualifying himself or herself from hearing a case when a conflict of interest exists; o) being engaged in activities that are incompatible with the judicial function;
p) exceeding any limitations related to income generated from fees for additional activities;
t) accepting a gift or reward whose purpose is to inappropriately influence the judge's decisions or actions, including cases where the gift or reward only give an impression of inappropriate influence.
Therefore the breaches of rules on conflict of interests are prescribed by the law explicitly as a disciplinary offences for the judge for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the prosecutors:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at

Q232 (2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its
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(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Q233 (General Comment): .
Q233 (2019): The numbers included in the table refer to disciplinary procedures initiated against prosecutors in the reference year.

Q234 (General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial
Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.
The latter receives and reviews complaints concerning the conduct of judges or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.
If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel
will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of
Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the
committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.
Q234 (2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC. The latter receives and reviews complaints concerning the conduct of judges, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.
If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC by filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused judge a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.
Q235 (General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial
may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial
Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detainment, until pre-trial detainment ends.

Q235 (2024): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove a judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from the court. Temporary removal from the court can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detainment, until pre-trial detainment ends.

Q235 (2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).
The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a judge can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detainment, until pre-trial detainment ends.

Q236 (General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

Q236 (2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

Q237 (General Comment): In the reference year 24 disciplinary proceedings were initiated against 23 judges. Two disciplinary proceedings were initiated against one judge.
Q237 (2024): Total number disciplinary proceedings initiated during the reference year was 29 against 31 judges. One disciplinary case was initiated against three judges.

Q237 (2023): In the reference year 24 disciplinary proceedings were initiated against 23 judges. Two disciplinary proceedings were initiated against one judge.
Q237 (2022): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q237 (2021): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q237 (2019): Some proceedings against judges were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the "main reasons" for initiating disciplinary proceedings, in our best estimate.
For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:
1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.
It should be noted that number of initiated proceedings is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), because of the high number of grounded complaints as well as an increase in number of the Office of Disciplinary Counsel staff.

Q239 (2024): Difference between completed disciplinary proceedings (i.e.20) and the total number of sanctions (i.e.16) was registered due to the fact that two disciplinary cases were rejected, and two disciplinary cases were suspended.

Q239 (2023): Difference between completed disciplinary proceedings (28) and the total number of sanctions (23) is because four disciplinary proceedings were rejected and one disciplinary proceedings was suspended (one judge was retired).
Q239 (2022): A significant difference between the number of disciplinary proceedings initiated (35) and the total number of sanctions imposed (23) was caused by the following circumstances: the disciplinary action was rejected in (3) cases and disciplinary proceedings were suspended in (9) cases (4 judges retired, 3 judges resigned, 1 judge died, and 1 judge's term expired).
Q239 (2019): As "other" measure, there is a written warning which shall not be made public imposed against 6 judges. This is a non-public measure.
Number of imposed sanctions (25) is lesser then the number of initiated proceedings (35). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the High Judicial and Prosecutorial Council of Bosnia and Herzegovina as third instance. Therefore, some of the proceedings initiated in 2019 were not completed in 2019.
Although there were no suspensions imposed in 2019 as a disciplinary sanction, it should be noted that one judge was temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. Also, 3 judges remain suspended as a result of criminal proceedings initiated before 2019.

Q241 (General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

Q241 (2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina. There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.
Q242 (2019): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), HJPC may impose as a disciplinary measure a temporary or permanent reassignment to another court. According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a judge may be assigned to perform judicial services in another court without his or her consent for a period of up to 3 months, in the event that such assignment is in order to participate in one particular case at the receiving court, or in the event that no other judge has consented to such an assignment. A judge may not be temporarily assigned to another court without his or her consent if he or she has been the subject of a temporary assignment in the preceding 12 months.

Q243 (General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.
The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.
If the investigation shows that there is evidence to confirm allegations of misconduct of a prosecutor, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Q243 (2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.
The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.
If the investigation shows that there is evidence to confirm allegations of misconduct of a prosecutor, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Q244 (General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detainment, until pre-trial detainment ends.

Q244 (2024): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detainment, until pre-trial detainment ends.

Q244 (2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detainment, until pre-trial detainment ends.

Q245 (General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

Q245 (2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

Q246 (General Comment): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.
Q246 (2022): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q246 (2021): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.
The number of disciplinary proceedings initiated against prosecutors increased considerably in 2021 compared to 2020. The most significant cause for this development was the increased number of complaints received in 2021 by the Office of Disciplinary Counsel at HJPC.
Q246 (2019): Some proceedings against prosecutors were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the "main reasons" for initiating proceedings, in our best estimate.
For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:
1. neglect or careless exercise of official duties; 2. unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. failure to comply with the decision on temporary transfer to another prosecutor's office.
It should be noted that number of initiated proceedings is the highest since the establishment of the HJPC, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.

Q246-1 (General Comment): For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:
1.neglect or careless exercise of official duties; 2.unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3.failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4.failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5.failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6.failure to comply with the decision on temporary transfer to another prosecutor's office.
Law on HJPC, article 57, paragraphs 8, 9, 10, 13, 15, 17, 20 and 21 are used for classification of disciplinary offences of prosecutors related to the professional inadequacies. Other paragraphs of article 57 are classified under Breach of professional ethics (including breach of integrity).
Q248 (2022): There was a difference between the number of disciplinary proceedings (13) and the number of penalties (10). This difference occurred because a disciplinary lawsuit was rejected in (3) cases.

Q248 (2019): As “other” measure, there is a written warning which shall not be made public, imposed against 4 prosecutors. This is a non-public measure.
The number of completed cases (13) is higher then the number of initiated proceedings (11). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the Council as third instance. Therefore, some of the proceedings initiated in 2018 were completed in 2019.
Although no suspension was imposed as disciplinary sanction in 2019, it should be noted that there is ongoing suspension of 5 prosecutors, emanating form criminal proceedings initiated against them before 2019.
It should be noted that number of initiated proceedings and the number of sanctions pronounced against prosecutors is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.
Q251 (General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant’s right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.
Q251 (2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant’s right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

Montenegro

Q156 (2024): Wrongful arrest/detention - data from MoJ which deals with conclusion of agreements for compensation, legal option instead of going to the court with a law suit.
Q156 (2023): wrongful detention - data source Ministry of Justice.

Q156 (2022): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 113 cases in work upon claims for just satisfaction. Based on the adopted claims for compensation of non- pecuniary damage, in 59 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 52 200 EUR. The Law on the protection of the right to a trial within reasonable time prescribes that the compensation is determined in the amount range 300 - 5.000 EUR. The following criteria shall be taken into account when determining the amount of compensation: the complexity of the case in factual and legal terms, conduct of the applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant.
Wrongful arrest/detention: Data available from the Ministry of Justice. Data for settlements concluded in 2022.

Q156 (2021): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 149 cases in work upon claims for just satisfaction. Based on the adopted claims for compensation of non- pecuniary damage, in 64 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 40 000 EUR. The Law on the protection of the right to a trial within reasonable time prescribes that the compensation is determined in the amount range 300 - 5.000 EUR. The following criteria shall be taken into account when determining the amount of compensation: the complexity of the case in factual and legal terms, conduct of the applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant.
Q156-1 (General Comment): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.
Q156-1 (2024): * For dealing with the requests for speeding up the proceedings, it is the court concerned.
** For dealing with the requests for compensation for the excessive length of proceedings, it is the Supreme court of Montenegro - the highest Court in Montenegro.
*** The Supreme Court of Montenegro - Department for fair trial - is responsible to render a decision on compensation no later than four months from the date of the submission of the plaintif's claim. Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a lawsuit.
Q156-1 (2023): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.
Q156-1 (2022): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.
Q160 (2022): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

Q161 (General Comment): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

Q161 (2021): The procedure is prescribed by the Law on Civil Proceedings and the Criminal Procedure Code. If a party considers that the judge is not impartial, the party may submit a request, which is decided by the president of the court. If some conditions are met, the presiding judge may decide upon the submitted request for recusal, and those conditions are prescribed by the law. Courts had in total 2084 cases on exemption, out of which 2056 cases were resolved, and 28 remained unresolved.

Q162-0 (General Comment): Constitution of Montenegro
STATE PROSECUTION
Status and responsibility
Article 134
The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

Q162-0 (2021): Constitution of Montenegro
STATE PROSECUTION
Status and responsibility
Article 134
The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

Q162-2 (General Comment): The Prosecution Service is, per se, a hierarchical organization and instructions are defined by the Law on State Prosecution Service. Instructions can be oral and written, and there is a procedure to be objected by the prosecutor if deemed unlawful on unfounded. According to Article 132, § 1, of the Law on the State Prosecution Service: “Instructions for proceedings in an individual case shall be issued in written form and with the explanation. Exceptionally, when the circumstances do not allow for that, the instruction may be issued in an oral form, but is shall also be issued in written form within the appropriate time-frame”.
According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

Q162-2 (2023): see general comment also
Q162-2 (2022): see general comment also
Q162-2-0 (General Comment): Law on State Prosecution Service, Articles 131 and 132.

Q162-4-1 (2022): One general instruction was issued to all state prosecutor’s offices.
Two individual instructions were issued to state prosecutors for prosecution.

Q162-5 (General Comment): According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

Q162-5 (2024): see general comment
Q164 (2021): Law on the judicial Council and Judges
Q171 (2024): One first instance court decision was made against prosecutor, so the appeal procedure is ongoing.

Q172-0 (2024): Integrity plans;
Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.
Prevention of conflict of interest in the exercise of public functions
Article 7
A public official shall perform his/her function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.
The conflict of interest in the exercise of public function exists when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function.
The Agency shall establish the existence of a conflict of interest and implement measures for prevention of conflict of interest.
Opinions about the existence of conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of this Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and property by public officials, which are issued or adopted by the Agency in accordance with this Law, shall be binding for a public official.
It shall be deemed that a public official has violated the provisions of this Law if he fails to act in accordance with the opinion of the Agency referred to in paragraph 4 of this Article and with the obligations laid down in this Law or when he/she acts in a manner that violates the prohibitions and rules prescribed by this Law and other regulations regulating the conflict of interest in areas that are regulated by these regulations.

Q172-0 (2023): Integrity plans;
Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.
Prevention of conflict of interest in the exercise of public functions
Article 7
A public official shall perform his/her function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.
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The Agency shall establish the existence of a conflict of interest and implement measures for prevention of conflict of interest.
Opinions about the existence of conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of this Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and property by public officials, which are issued or adopted by the Agency in accordance with this Law, shall be binding for a public official.
It shall be deemed that a public official has violated the provisions of this Law if he fails to act in accordance with the opinion of the Agency referred to in paragraph 4 of this Article and with the obligations laid down in this Law or when he/she acts in a manner that violates the prohibitions and rules prescribed by this Law and other regulations regulating the conflict of interest in areas that are regulated by these regulations.

Q172-0 (2022): Integrity plans;
Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.
Prevention of conflict of interest in the exercise of public functions
Article 7
A public official shall perform his/her function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.
The conflict of interest in the exercise of public function exists when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function.
The Agency shall establish the existence of a conflict of interest and implement measures for prevention of conflict of interest.
Opinions about the existence of conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of this Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and property by public officials, which are issued or adopted by the Agency in accordance with this Law, shall be binding for a public official.
It shall be deemed that a public official has violated the provisions of this Law if he fails to act in accordance with the opinion of the Agency referred to in paragraph 4 of this Article and with the obligations laid down in this Law or when he/she acts in a manner that violates the prohibitions and rules prescribed by this Law and other regulations regulating the conflict of interest in areas that are regulated by these regulations.

Q173 (2022): periodically
Q177 (General Comment): X By judges and other legal professionals
X Other, please specify:
Twofold:
a) The Commission for the Ethics codex of Judges (body of the Judicial Council)
b) In accordance with article 7 of the Law on prevention of corruption, “Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official.”
Also, the Article 4 of the same Law defines that “The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent body, established by the Parliament of Montenegro, in accordance with the present Law.”

Q178 (General Comment): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors
may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.
As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

Q178 (2024): Comments - Please describe the work of this institution / body, the frequency of guidelines and/or opinions, etc.: The Commission for the Code of Ethics for Judges consists of a president and two members elected in accordance with the Law on the Judicial Council and Judges.
Commission sessions are held as needed, at least once every 60 days.
Tasks:
- monitors the implementation of the Judges' Code of Ethics, expressing his position in the form of guidelines,
opinions and decisions;
- acts on initiatives to initiate the procedure for determining the violation of the Ethical Code
of the Code of Judges and decides whether a certain behavior of a judge constitutes a violation
Judges' Code of Ethics;
- submits to the Disciplinary Commission a proposal for determining disciplinary responsibility in
in accordance with the law;
- performs an advisory role in certain situations;
- submits a report on its work to the Judicial Council;
- initiates changes to the Code and organizational laws;
- performs other tasks determined by the law and the Code of Ethics of judges

Q178 (2023): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are four guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.
Not public opinions
As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

Q178 (2022): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are four guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.
Not public opinions
As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

Q178-1 (2022): At the Commission session, held on June 17 2022. the Guideline on freedom of expression of judges were adopted , and it was published on the Council's web portal: https://sudovi.me/static//sdsv/doc/Smjernice_sloboda_izrazavanja.pdf
Q180 (General Comment): The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the
Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State
Prosecutors of Montenegro.
The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors. b) Agency for Prevention of Corruption - same as for the judges:
"In accordance with article 7 of the Law on prevention of corruption, “Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."
Also, the Article 4 of the same Law defines that “The tasks of prevention of conflicts of public and private interest, restrictions in the
exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent body, established by the Parliament of Montenegro, in accordance with the present Law.”

Q181 (General Comment): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.
The Commission for the Code of Ethics of prosecutors may give the opinion whether a certain behaviour of prosecutor is in line with the Code of Ethics
Q181-1 (2022): 8 cases regarding the determination of the violation of the Code of Ethics of the state prosecutors are in progress

Q182 (General Comment): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.
Articles 44, 45 and 51 of the Law on prevention of corruption defines the whistleblowers institute. Whistleblowers
Art. 44
A whistleblower who has reasonable grounds to believe that there is a threat to the public interest that indicates the existence of corruption may submit an application in accordance with the present Law. For the purpose of the present Law, threatening the public interest shall mean a violation of regulations, ethical rules or the possibility of such a violation, which caused, causes or threatens to cause danger to
life, health and safety of people and the environment, violation of human rights or material and non-material damage to the state or a legal or natural person, as well as an action that is aimed at preventing such a violation from being discovered. A person that helps whistleblowers by providing information or otherwise and any other person who can provide reasonable proof of suffering damage because of relation with the whistleblower shall be deemed a party related to the whistleblower.
Person or Entrepreneur
Art. 45
Whistleblowers may submit the application referred to in Art. 44, para 1 of the present Law to an authority, company, other legal person or entrepreneur in which, to their knowledge, there are reasonable grounds for suspecting that there is a threat to the public interest that indicates the existence of corruption. The application referred to in para 1 of this Art. shall be submitted in writing, orally on the minutes, by mail or electronically.
Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency
Art. 51
If the whistleblower has not been informed, or is not satisfied with the notification or the measures referred to in Art. 50, he may submit
an application on threats to the public interest that indicate the existence of corruption to the Agency. Whistleblowers may also submit the application on threats to the public interest that indicate the existence of corruption to the Agency without prior submission to an
authority, company, other legal person or entrepreneur to which the application relates. The application referred to in para 1 and shall, in addition to the data referred to in Art. 46 of the present Law, contain information about the authority, company, other legal person or entrepreneur to whom the application relates and a notification on the taken measures referred to in Art. 50, if the notification was delivered to the whistleblower.
The Rules of Procedure of the Prosecutorial Council regulate the procedure for reporting and submitting complaints by prosecutors for jeopardizing their autonomy. These complaints are dealt by the commission formed by Prosecutorial Council on the proposal of the President of the Prosecutorial Council. On the basis of the report by subject commission, the Prosecutorial Council shall decide on complaints. If the complaint is considered with grounds, the Prosecutorial Council shall conduct measures to protect the prosecutor which autonomy is jeopardized.
Q182 (2022): explanation in section general comments

Q186 (General Comment): Articles 60 and 61 of the Court Rule of Procedure: Article 60
To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.
Article 61
Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the
President of the court alone or at the proposal of the President of the Division or a judge. The President of the Court shall make a special
decision on the reasons as well as the duration of the suspension of the assignment of the cases to the judge, which he submits to the administrator of the judicial information system and attaches it to the court work plan.

Q190 (General Comment): LAW ON COURTS
("Official Gazette of MNE", no. 11/2015 and 76/2020) Amending Annual Work Distribution Article 32
The court president may amend the annual work distribution of the court, if:
1) The number of positions for judges or the number of judges decreases or increases; or
2) The number or type of cases in court significantly increases or decreases.
The annual work distribution of the court shall be amended so that it disrupts the already established annual work distribution of the court as little as possible.
The annual work distribution of the court shall be amended in accordance with Article 31 of the present Law. Submission and Publication of Annual Work Distribution
Article 33
The court president shall submit an annual work distribution and amendments there to all judges and shall publish it on the bulletin board of the court.
4. Random Allocation of Cases
Allocation of Cases
Article 34
Cases shall be allocated to work without delay, according to the annual work distribution, through the method of random allocation of cases.
In accordance with paragraph 1 of this Article, the following cases shall also be allocated to other judges:
1) Cases that were assigned to a judge who does not perform a judicial office in that court any longer; and
2) Cases that were taken away in accordance with Article 36 of the present Law. Method of Random Allocation of Cases
Article 35
Once the basic information about a case is entered into the judicial information system, in a manner that is more closely regulated by the
Court Rules, cases shall be allocated to judges through the method of random allocation of cases. Taking Away an Allocated Case
Article 36
An allocated case shall be taken away from a judge or panel only if it is determined that they unduly fail to take actions in the case, because of the recusal of a judge or if a judge is prevented from performing the judicial office for more than three months.
Cases whose urgent nature is prescribed by law may be taken away from a judge if the judge is not able to act in these cases in a timely manner or within the statutory period due to absence or incapacity for work.
The cases shall be taken away by the court president, through a decision.
The decision on taking a case away shall be submitted to the judge or the panel from which the case was taken away.
An objection may be lodged to the president of immediately higher court against the decision on taking the case away, as well as to the
General Session of the Supreme Court against the decision of the Supreme Court, within three days of receipt of the decision. The decision on the objection shall be made within

Q190 (General Comment): Law on prevention of corruption
Q190 (2021): Special Law - Law on prevention of corruption
Q192 (2024): https://www.antikorupcija.me/me/korisnicki-servisi/
Q192 (2023): https://www.antikorupcija.me/me/korisnicki-servisi/

Q192 (2022): https://www.antikorupcija.me/me/korisnicki-servisi/

Q193 (General Comment): See Article 24 of the Law on prevention of corruption: "The Report shall contain:
1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother' name and mother's maiden surname.
2) Data about the public function exercised;
3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:
- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, educational, cultural, artistic, humanitarian, sports or similar associations.
For the purpose of verification of the data from the Report, a public official may give consent to the Agency for access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.
The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.
A public official shall enter the data referred to in para 1 in the Report form.
The Report form shall be established by the Agency and published on its website."

Q194 (General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets
Art. 23
A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.
A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:
- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.
In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.
A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the
Report to the Agency, according to the state of play on the day of submitting the Report.
When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.
The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

Q195 (General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household.
Q200 (General Comment): www.antikorupcija.me
Q200 (2024): https://www.antikorupcija.me/me/registri/
Q200 (2023): https://www.antikorupcija.me/me/registri/
Q200 (2022): https://www.antikorupcija.me/me/registri/

Q201 (General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.
Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts.
Q201 (2024): The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount od 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.
Q201 (2023): The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount od 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.

Q201 (2022): Other disciplinary sanction: The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount of 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.
Q202 (2024): 8 misdemeanor procedures against active and former judges:
- 2 for failing to submit the regular annual report on income and assets;
- 3 for not submitting the report on income and assets 30 days after the termination of office;
- 2 for not submitting the report on income and assets one and two years after the termination of office;
- 1 for submitting a report with inaccurate and incomplete data.

2 administrative procedures against judges for submitting a report lacking accuracy and completeness.
To date, there has been 1 warning from the competent court for misdemeanors, and 2 decisions by the APC regarding violations of the LPC by judges.

Q202 (2023): -Due to the failure to submit the regular annual report on income and assets for the year 2022, two misdemeanor proceedings were initiated against judges in 2023. Both proceedings have been completed: in one case, a warning was issued, and in the other, an acquittal was issued. Source: Agency for Suppression of Corruption
Q202 (2022): Misdemeanour proceedings:
During the reporting period, 4 misdemeanor proceedings were initiated against former judges for failing to submit assets declaration 30 days after termination of office and one year after termination of office, and 3 proceedings for failing to submit regular annual asset declaration. 2 were completed, others are ongoing. The outcome of these misdemanour proceedings was 2 warnings.
Administrative proceedings:
In the reporting period, administrative proceedings were initiated against 2 judges related to the submission of reports with incorrect and incomplete data in 2021.
Data on administrative procedures initiated due to the submission of reports with incorrect and incomplete data in 2022 will be known by the first quarter of 2023.
In 2022, decisions were made that 70 judges (69 from 2021 and 1 from 2022) did not submit accurate and complete data in the regular annual report for 2020.
Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

Q202 (2021): 90 administrative proceedings and 85 misdemeanor proceedings initiated;
7 administrative proceedings completed
13 misdemeanor proceedings completed Sanctions pending
13 sanctions issued: 12 warnings and 1 fine of 150 EUR

Q203 (General Comment): Law on prevention of corruption
Q203 (2021): Law on prevention of corruption
Q205 (2024): https://obsidian.antikorupcija.me/izvjestaj-imovine
Q205 (2023): https://www.antikorupcija.me/me/korisnicki-servisi/
Q205 (2022): https://www.antikorupcija.me/me/korisnicki-servisi/

Q206 (General Comment): Data Reported

Art. 24

The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother' name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, educational, cultural, artistic, humanitarian, sports or similar associations.

For the purpose of verification of the data from the Report, a public official may give consent to the Agency for access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.

The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website. Submission of Reports

Art. 25 A public official shall submit the Report to the Agency electronically, and in writing.

Q207 (General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets
Art. 23
A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.
A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:
- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.
In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.
A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the
Report to the Agency, according to the state of play on the day of submitting the Report.
When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.
The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

Q208 (General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household
Q213 (General Comment): www.antikorupcija.me
Q213 (2024): https://www.antikorupcija.me/me/registri/
Q213 (2023): https://www.antikorupcija.me/me/registri/
Q213 (2022): https://www.antikorupcija.me/me/registri/
Q213 (2021): https://www.antikorupcija.me/me/registri/
Q214 (General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.
Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts. Other disciplinary sanction: sanctions are those that can be imposed for heavy disciplinary offence: fine in amount of 20-40 percent of monthly income for the period of 3 to 6 months or prohibition of promotion.

Q214 (2024): For suspension it is not possible directly, just indirectly. No data on the actual suspension as a result of non declaration, Please see explanation in the judges section

Q214 (2023): For suspension it is not possible directly, just indirectly. No data on the actual suspension as a result of non declaration, Please see explanation in the judges section

Q215 (2024): Decision made:
- the proposal for determining disciplinary liability is rejected as unfounded, because the proposal was submitted for an action that is not prescribed as a disciplinary offense
- the proposal to establish disciplinary liability is rejected as unfounded due to the lack of evidence that the appointee committed a disciplinary offense

Q215 (2022): Misdemeanour proceedings. In the reporting period, 2 misdemeanor proceedings were initiated against former prosecutors due to failure to submit asset declarations 30 days after termination of public office. 1 was completed, other is ongoing. The outcome of these proceedings was 1 fine in the amount of 300 euros
Administrative proceedings:
Also, in the reporting period, proceedings were initiated against 35 prosecutors related to the submission of reports with incorrect and incomplete data in 2021. Data on administrative proceedings initiated due to the submission of asset declaratios with incorrect and incomplete data in 2022 will be known by the first quarter of 2022;
Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

Q215 (2021): The number on proceedings related to prosecutors is not final, since the verification process for the last year is still ongoing until 31st March this year. The number of prosecutors is less than number of judges. The Annual Plan of Verification includes verification half the number of judges (166) and half the number of prosecutors (60). This information should help better understanding the results of the verification process of these two target groups.

Q220 (2022): Law on Judicial Council and judges
Opinion on other Activities
Article 102
At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.
A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright, shall not be deemed to professionally perform other activity within the meaning of the Constitution

Q223 (General Comment): see provisions of the Law on Prevention of Corruption in related sections
Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law.
Law on Misdemeanors regulates misdemeanor proceedings in general, which also applies when the proceedings initiated for the breach of Law on Prevention of Corruption

Q223 (2022): see provisions of the Law on Prevention of Corruption in related sections
Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law

Q224 (2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.
In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.
In the remaining two cases, the procedure is ongoing.
Q226 (2024): in accordance with the aforementioned laws, a broader explanation - Articles 9, 10-27, Law on Prevention of Corruption
Internal rules: https://sudovi.me/static/spdt/doc/TU-S_I-1_br.37-23_Knjiga_internih_procedura_SDT-a,_5.6.2023..pdf
https://sudovi.me/static//vrdt/doc/KNJIGA_INTERNIH_PROCEDURA_2022.pdf
https://sudovi.me/static/vrdt/doc/TU_583-22-10_dopuna_internih_pravila.pdf
Q226 (2022): Law on Prevention of Corruption
Law on State Prosecution Service
Code of Ethics
Q227 (General Comment): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.
The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.
The work of lecturers as well as the work of researchers and the publication of scientific papers are not in conflict with the performance of the prosecutorial function.

Q231 (General Comment): “law on prevention of conflict of interest” - Title of the law is Law on prevention of corruption.
Q231 (2024): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.
The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.
Q231 (2023): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.
The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.
Q231 (2022): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.
The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.
Q232 (General Comment): “law on prevention of conflict of interest” - Title of the law is Law on prevention of corruption.
Q232 (2024): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.
The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.

Q232 (2023): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.
The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
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The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.

Q234 (General Comment): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges ("Official Gazette of MNE", No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the Commission for Monitoring the Implementation of the Code of Ethics for Judges with a request for an opinion whether certain behavior of a judge is in accordance with the Code of Ethics for Judges. The motion for establishing disciplinary liability of a judge shall be filed without delay, immediately after becoming aware of the disciplinary offence.
Q235 (General Comment): The investigation on the submitted motion for establishing disciplinary liability shall be conducted by the Disciplinary Prosecutor and Disciplinary Committee appointed by the Judicial Council for time limit of two years. President of the Disciplinary Committee shall be appointed from among the members of the Judicial Council who are not judges, and two members from among the judges who are not members of the Judicial Council with at least 15 years of work experience. The Judicial Council issued a brochure for applicants complaints against judges and court president in 2017.
Q235 (2022): Disciplinary Council. Established by the Judicial Council.
Q237 (2023): Article 108 paragraph 2 item 13 of the Law on Judicial Council and judges: publicly expresses an opinion on a case that has not become final
Q237 (2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.
In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.
In the remaining two cases, the procedure is ongoing.

Q237 (2021): Does not submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest.
Q238 (2024): in 2024. 3 cases were found unfounded and 1 was rejected. 3 cases are still ongoing
Q239 (2023): In two proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide complete data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.
Q239 (2022): info as in section 237: 35 rejected, 2 are still ongoing

Q243 (General Comment): Article 110 par. 1 of the Law on State Prosecution Service If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution office, head of an immediately higher state prosecution office, Supreme State Prosecutor, Minister of Justice and Commission for Monitoring the Application of the Code of Prosecutorial Ethics.

Q243 (2024): ARTICLE 110, paragraph 1, Law on State Prosecution "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024.
Also, "The Disciplinary Prosecutor can initiate an investigation to determine the disciplinary responsibility of the State Prosecutor on his own initiative." Article 112, paragraph 2
Q244 (General Comment): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service. "The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary
Panel upon the motion to indict issued by the disciplinary plaintiff.
Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel.
Supreme State Prosecutor may not be a member of the Disciplinary Panel.
Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the
Prosecutorial Council President.
The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be conducted before Prosecutorial
Council upon the motion to indict of the Disciplinary Plaintiff."

Q246 (2024): no accurate and complete data were submitted in the report on assets and income in 2020 - one case (Article 108, paragraph 3, item 8 of the Law on State Prosecution)
- Due to failure to act in cases, the statute of limitations for criminal prosecution has expired - one case (Article 108, paragraph 3, item 1 of the Law on State Prosecution)
- Proposal submitted by an unauthorized applicant - one case

Q247 (2024): - 2 cases - a proposal submitted due to non-action in the cases, the statute of limitations for criminal prosecution has expired (Art. 108 para. 3 point 1 of the Law on State Prosecution)
- 2 cases - proposal submitted because accurate and complete data were not submitted in the report on assets and income in 2020 (art. 108 paragraph 3 point 8 of the Law on State Prosecution)
- 1 subject - a proposal submitted by an unauthorized applicant
Q247 (2021): Od 5 etičkih postupaka u 2 etička postupka je utvrđena povreda Etičkog kodeksa, dok u ostala 3 nije utvrđena povreda.
Q248 (2024): One case - the proposal to establishing disciplinary liability is rejected as unfounded, because the proposal was submitted for an action that is not prescribed as a disciplinary offense
Two cases - the proposal to establish disciplinary liability is rejected as unfounded due to the lack of evidence that the appointee committed a disciplinary offense
One case - the proposal to initiate disciplinary proceedings is rejected because it was submitted by an unauthorized applicant

North Macedonia

Q156 (General Comment): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions.
2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.
The procedure for compensation of damage is acting by the court and the amounts depends from case to case. The amounts are related with the case and the taken actions in that case (days in wrongful arrest, wrongful conviction, lost profit, costs, rate of interest etc.)

Article 33
Reasons for exclusion
(1) A judge or a lay judge must not exercise his or her judicial obligations:
1) if he or she has suffered any damage as a result of the crime;
2) if the accused, his counsel, the prosecutor, the injured party, his legal counsel or attorney is his or hers marital i.e. illegitimate spouse or a blood relative according to the law regardless of the degree of kinship, a distant relative to the fourth degree and an in- law to the second degree;
3) if, with the accused, his counsel, the plaintiff or with the injured party he or she has a relationship of a guardian, a person under guardianship, one who adopts, an adopted child, foster parent or a foster child;
4) if, in the same criminal case he or she participated as a judge of the preliminary procedure, participated in the examination of the indictment before the main trial or participated in the procedure as a plaintiff, defense counsel, legal counsel or authorized representative for the injured party, i.e. the plaintiff, or was examined in the capacity of a witness or as an expert witness;
5) if, in the same case, he or she participated in the decision making process of the lower court, or if, in the same court, he or she participated in the bringing of the decision that is annulled with the appeal;
(2) Apart from the situations as referred to in paragraph 1 of this Article, a judge or a lay judge may also be excluded from performing his or her judicial obligations if there are any circumstances that would cause any doubts regarding his or her impartiality. Article 34
Exclusion procedure
As soon as he or she establishes the existence of any of the reasons for exclusion as referred to in Article 33, paragraph 1 of this Law, the judge or lay judge shall be obliged to stop working on that case and inform the President of the Court thereby, who shall appoint a substitute judge. If the exclusion is for the President of the Court, he or she shall appoint his or her own substitute judge amongst the judges from the same court, and if that is not possible, he shall ask the President of the immediate higher court to appoint the substitute.
Article 35
Exclusion upon request by the parties
(1) The parties may also ask for exclusion.
(2) The parties may submit a motion for exclusion prior to the beginning of the main hearing and if they have found out the reasons for the exclusion as referred to in paragraph 1 of Article 33 later, they shall submit the exclusion motion immediately after they have been informed about them.
(3) The party may include the exclusion motion for a judge of the higher instance court in the appeal or in the response to the appeal.
(4) The party may demand exclusion only of an individual judge or a lay judge, who proceeds in the case i.e. a judge from the higher court.
Q161 (2021): In 2021 there were total 2654 requests for exemption of judges while in the same year there were 2614 decisions for exemptions of judges.

Q162 (General Comment): The guarantees are contained in the Law on Public Prosecution office (2020)
12.2 COMPULSORY GENERAL WRITTEN INSTRUCTIONS
Article 56
(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.
(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.
(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.
(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.
(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Q152-1 (General comment): The guarantees are part of the constitution and the law on Public Prosecution office.
Constitution of Republic of North Macedonia
Article 106
Public Prosecution Office
The Public Prosecution Office is a single and autonomous state body prosecuting persons that have committed crimes and other punishable acts determined by a law and performs other activities determined by a law.
The Public Prosecution Office performs its duties on the basis of the Constitution and the laws and the international agreements ratified in accordance with the Constitution.
The function of the Public Prosecution Office is performed by the public prosecutor of the Republic of North Macedonia and by the public prosecutors.
The competences, establishment, termination, organization and operation of the Public Prosecution Office is regulated by a law adopted by a two thirds majority vote of the total number of representatives.
The public prosecutor of the Republic of North Macedonia is appointed and dismissed by the Assembly of the Republic of North Macedonia for a term of six years with the right to reelection.
The public prosecutors are elected by the Council of Public Prosecutors without limitation of the duration of the term of office.
Law on Public Prosecution office (2020)
Article 2
The public prosecutor's office shall be the sole independent state body prosecuting perpetrators of criminal offences and other acts punishable by law, and performs other duties as stipulated by law.
Article 3
The public prosecutor's office shall be organized according to the principles of hierarchy and subordination.
The public prosecutor's office shall be an independent state body.
The observance of the principles referred to in paragraph (1) of this Article shall not jeopardize the independence and responsibility of each public prosecutor in the performance of their function.
Article 6
The public prosecutorial office is incompatible with the performance of any other public office or profession, except in cases determined by law or in case of membership of a political party or participation in the activities of a political party.
Article 7

Q162-1 (General Comment): According to the article 56 of Law on Public Prosecution office, only reasoned compulsory general written instructions, which refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.
The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.
For example, only general written instructions for all prosecutors about the expenses in the criminal procedure or general written instructions for on-call shifts of public prosecutors.

Q162-1 (2021): These guarantees are contained in the Law on Public Prosecution office (2020)
12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS
Article 56
(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.
(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.
(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.
(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.
(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Q164 (General Comment): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.
Q164 (2024): Guarantees of the independence of judges are regulated in the Constitution, the Law on courts, the Law on Judicial Council of the Republic of North Macedonia, the Law on court budget and other relevant laws in the field of judiciary.
Q164 (2023): Guarantees of the independence of judges are regulated in the Constitution, the Law on courts, the Law on Judicial Council of the Republic of North Macedonia, the Law on court budget and other relevent laws in the field of judiciary.
Q164 (2022): Guarantees of the independence of judges are regulated in the Constitution and the Law on courts.
Q164 (2021): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.
Q166 (General Comment): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.
Q166 (2024): Guarantees of the independence of prosecutors are regulated in the Constitution, the Law on Public Prosecution office, the Law on Council of Public Prosecutors and other relevant laws in the field of judiciary.

Q166 (2023): Guarantees of the independence of prosecutors are regulated in the Constitution, the Law on Public Prosecution office, the Law on Council of Public Prosecutors and other relevent laws in the field of judiciary.
Q166 (2022): Guarantees of the independence of prosecutors are regulated in the Constitution and the Law on Public Prosecution office.
Q166 (2021): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

Principle:
The independence of the judiciary is a precondition for the rule of law and is a basic guarantee for a fair trial. Therefore, every judge and lay judge should support and set an example for judicial independence, both in terms of individual and institutional aspects.
IMPARTIALITY
Principle:
The judge / lay judge is obliged to perform the trial function impartially, both in decision-making and in conducting procedures.
INTEGRITY
Principle:
Integrity is an attribute of honesty and justice. The judge or lay judge always acts honestly and not only in the performance of official duties, but also in a way that is beneficial for the proper performance of the judicial function.
DIGNITY
Principle:
Decent and appropriate behavior of the judge jurors are essential for the performance of all activities of the judicial office.
EXTRAJUDICAL ACTIVITY
Provided that they perform their judicial duties properly, and in cases when requested, and with the consent of a body determined by law, the lay judge / judge may:
- to write, teach, teach and participate in activities related to the law, the legal system, the administration of justice and similar matters;
CONFLICT OF INTERESTS
Judge / The lay judge must not perform any public or private, paid or unpaid duties, which are contrary to the function of a judge or a lay judge.
- to appear at a public hearing before an official body regarding matters related to law, the legal system, the administration of justice and similar matters;
- to be a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with impartiality and political neutrality; or to engage in other activities if such activities do not adversely affect the dignity and dignity of the judicial office, ie if they do not interfere with the performance of judicial duties;
- the judge / lay judge must not engage in providing legal aid while performing the judicial function;
EQUALITY
Principle:
Ensuring equality of procedure for all before the courts is essential for the proper performance of the judicial function.
INFORMATION DISCLOSURE
The lay judge may not use the confidential information obtained in the performance of his judicial office, and disclose it for any purpose other than for purposes related to judicial

Q175-1 (2021): Public prosecutors in the performance of their duties, in relations with other bodies, parties and citizens, in the public, as well as in mutual relations are obliged to adhere to the following principles:
- independence;
- impartiality;
- integrity;
- prevention of conflict of interests;
- efficiency and professional action;
- professionalism;
- dignity and
- restraint

Public prosecutors are obliged to ensure confidence in the independence of their work, and in particular:
- in performing their function to be independent in relation to the legislative and executive power, the mass media, citizens' associations, public figures and other persons and to perform their

a function independent of any external influence, restriction, persuasion, pressure or threat in accordance with its own assessment of the evidence and interpretation of legal norms;
- in the performance of their function to refrain from any expression of political views and public appearances of a political nature, except in cases of participation in public hearings that directly relate to the work of the Public Prosecutor's Office, to refrain from the presence of political

rallies or by participating in political activities or campaigns expressed in any way;

Q177 (2021): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee.

The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court of Republic of North Macedonia, as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues. Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

Q178 (2021): http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1

Q178-1 (2024): A request has been initiated before the Advisory Body for Judicial Ethics at the Association of Judges by the President of a Basic Court, seeking an opinion from the Advisory Body for Ethics regarding a requests for the recusal of a judge at the same court, submitted by the judge himself, who is acting in cases where the lawyers in the proceedings are also tenants of business premises owned by the judge. Acting on the request, the Advisory Body for Judicial Ethics concluded that the business - financial relationship of a judge with a party in the proceedings is a basis for his recusal in further proceedings.

Q178-1 (2022): Topics of the 3 opinions (2022) of the Advisory Committee on Judicial Ethics are the following one:

1. Membership of the judge in association, available at https://sudiskaetika.mk/assets/dok/mislenje2.pdf
2. Cases connected with attorney at law engaged by the judge as attorney-in-fact, available at https://sudiskaetika.mk/assets/dok/mislenje4.pdf
3. Right of the judge to participate in sport associations and to be present on the sport matches , available at https://sudiskaetika.mk/assets/dok/mislenje3.pdf

Q180 (2021): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.
The president of the Ethical Council is elected by the members of their ranks.
The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.
One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.
When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.
The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.
The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.
The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.
The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.
The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

Q181 (2021): http://zjorm.org.mk/

Obstruction of justice

Article 368-a

(1) Whosoever, with the intent to induce a person who might be called as a witness, a witness or an expert to give a false statement or to prevent or hinder the collection of evidence or the substantiation in the criminal procedure, in a procedure before a court or before any other body which conducts a procedure in accordance with the law, threatens with attack against the life or the body or the property to a greater extent, of a person who might be called as a witness, a witness or an expert or close persons thereto, or by using force, violence, illegal deprivation of freedom, by offering a bribe or in any other manner influences or prevents such person to appear as a person who might be called as a witness, a witness or an expert in the procedure or if he is called as a witness or an expert to give or not to give a statement with a determined meaning, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be also imposed to whosoever, due to revenge for the given statement of the person referred to in paragraph (1) of this Article, deprives such person of a right, maltreats him or inflicts on him bodily injuries.

(3) If especially severe consequences for the defendant in the criminal procedure have been created due to the crime referred to in paragraphs (1) and (2) of this Article or severe bodily injury has been inflicted on the person referred to in paragraph (1) of this Article or the crime has been committed against a protected or threatened witness or a close person thereto, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the person referred to in paragraph (1) of this Article is deprived of the life by the crime referred to in paragraphs (1) and (2) of this Article, the offender shall be sentenced to imprisonment of at least ten years or life imprisonment.

(5) Whosoever, by using force, serious threat or promise, by offering or giving any material benefit, influences a judge, public prosecutor or any other official or an attorney to take or not to take actions foreseen by law in a procedure before a court or before any other body competent for conducting a procedure regulated by a law contrary to his official or attorney's duty and authorizations, or hinders him in taking such actions, shall be sentenced to imprisonment of one to ten years.

(6) If, in the course of committing the crime referred to in paragraph (5), bodily injuries are inflicted on the persons of the referred paragraph or on close persons thereto, the offender shall be sentenced to imprisonment of at least four years.

(7) If, in the course of committing the crime referred to in paragraph (5), severe bodily injuries are inflicted on the persons of the referred paragraph or on close persons thereto, the offender shall be sentenced to imprisonment of at least five years.

(8) The sentence referred to in paragraph (5) of this Article shall be imposed on an official or responsible person who refuses or postpones without any justification the enforcement of an order or a law-based request by a court, public prosecutor or any other competent body or an attorney for collection, keeping or submission of writs, documents or cases, or with the intent to prevent or hinder the substantiation, he conceals, destroys, falsifies or in any other manner makes unusable the writs, documents or cases which may serve as evidence in a procedure before a court or before any other competent body for conducting a procedure regulated by a law.

(9) If the crime referred to in paragraph (8) of this Article is committed in a previous criminal procedure or in a criminal procedure, the offender shall be sentenced to imprisonment

Q185 (General Comment): Court Rules of procedure
Automatic Redistribution of Cases
Article 177
The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.
Article 178
After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).
Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.

Q185-1 (2024): Data for conflict of interest declared by the judge or by the parties are already calculated in recusal of the judge or requested by the parties, because conflict of interest is ground for recusal of the judge. Other*: retirement of a judge, return of judges who were delegated in other courts, return of a judge who was a member of the Judicial council, dismissed judge, change in the annual schedule, delegated judges, merging of cases
According to our legislation, conflict of interest is a ground for recusal of the judge or requested by the parties, because of this, the data overlaps and cannot be separated.
Q187 (General Comment): Yes, with exception. Please see article 179, p.2
Court Rules of procedure
Article 179
In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.
The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.

Q188 (General Comment): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.
According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases
3. Automatic Redistribution of Cases
Article 177
The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.
Article 178
After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).
Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.
Article 179
In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.
The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.
Article 180
Cases recorded in a register for which only one judge is in charge of shall be allocated to the judge with the recording itself.
According to the Law on courts, president of a court shall be dismissed from the office of a president, if in a procedure, the Judicial Council of the Republic of Macedonia establishes the following bases:
failure to apply the provisions regarding the case management and distribution,
- violation of the provisions regarding the adoption and amendment of the Annual schedule for Judges.
Q190 (2024): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)
Q190 (2023): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)
Q190 (2022): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)
Q192 (2024): Da se proveri na web stranata smenet e sistemot
Q192 (2023): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
Q192 (2022): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf

Q194 (General Comment): Law on prevention of corruption and conflict of interests (2019)
Reporting changes in assets and interests
Article 85
(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.
(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.
(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.
(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Q195 (General Comment): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests
(2) The declaration referred to in paragraph (1) of this Article shall contain:
- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;
- a statement of interest for him/her and his/her family members, which contains information on jobs and membership in management boards, membership in associations and foundations, and other data required by the prescribed form.

Q196 (General Comment): There is not separate declaration form for the family members, the data for the family members are declared in the same declaration form.
Q196 (2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.
Q199 (2023): http://www.dksk.org.mk/imoti_2/
Q199 (2022): http://www.dksk.org.mk/imoti_2/
Q200 (General Comment): http://www.dksk.org.mk/imoti_2/
Q200 (2024): https://registar.dksk.mk/submission-forms?page=0&rowsPerPage=5&naming=true
Q200 (2023): http://www.dksk.org.mk/imoti_2/
Q200 (2022): http://www.dksk.org.mk/imoti_2/
Q200 (2021): http://www.dksk.org.mk/imoti_2/

Article 75
(1) A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:
1) severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
2) gross influence and interference in the performance of the judicial function of another judge;
3) if he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or
4) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.
Dismissal of a judge
Article 74 (1) The judge shall be dismissed from the judicial office:
- due to a more serious disciplinary violation that makes him unfit for
performance of the judicial function prescribed by law and
- due to unprofessional and negligent performance of the judicial function under conditions
established by law.
The judge is dismissed from the judicial position according to the grounds
provided for in paragraph (1) of this article, if:
- the violation was committed with intent or obvious negligence due to the judge's fault
without justifiable reasons and
- the injury caused serious consequences.
In the case of a lighter form of violation of the grounds from paragraph (1) hereof
article, the judge may be subject to a disciplinary measure.
In accordance with Article 78 of the Law on Courts On the established responsibility of a judge, the Council can pronounce one of
the following disciplinary measures:
- written warning,
- public reprimand,
- salary reduction in the amount of 15% to 30% of the monthly salary
judge for one to six months.

Q203 (2024): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)
Q203 (2023): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)
Q203 (2022): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)
Q205 (2023): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/promenanaimotnasostojbaNMK.pdf

Q205 (2022): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/promenanaimotnasostojbaNMK.pdf

Q207 (General Comment): Law on prevention of corruption and conflict of interests (2019)
Reporting changes in assets and interests
Article 85
(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.
(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.
(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.
(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Q209 (General Comment): There is not separate declaration form for the family members, the data for the family members are declared in the same declaration form.
Q209 (2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.
Q212 (2024): https://registar.dksk.mk/submission-forms?page=0&rowsPerPage=5&naming=true
Q212 (2023): http://www.dksk.org.mk/imoti_2/
Q212 (2022): http://www.dksk.org.mk/imoti_2/
Q213 (General Comment): http://www.dksk.org.mk/imoti_2/
Q213 (2024): https://registar.dksk.mk/submission-forms?page=0&rowsPerPage=5&naming=true
Q213 (2023): http://www.dksk.org.mk/imoti_2/
Q213 (2022): http://www.dksk.org.mk/imoti_2/
Q213 (2021): http://www.dksk.org.mk/imoti_2/
Q214 (General Comment): Article 91 from the new Law on Public Prosecution office prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

Q214 (2021): Article 91 from the new Law on Public Prosecution office from 2020 prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest
Article 76
(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.
(2) The procedure referred to in paragraph (1) of this Article shall be initiated:
- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.
(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.
(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.
(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.
(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.
Article 77
(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.
(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.
(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:
- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person; or

Q218 (General Comment): The Law on the courts
Article 52
(1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, expect for cases provided by law.
(2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.
(3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the purpose of gaining profit.
(4) The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects.
(5) The judge for the period while teaching as an educator at the Academy for Judges and Public Prosecutors, may perform the judicial function in a reduced amount, in accordance with the law.
(6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.
(7) The judge cannot be a member or hold a political office within a political party or carry out political or party activity.
Law on prevention of corruption and conflict of interest – Article 44 paragraph 6 "(6) Official person may earn income from scientific, teaching, cultural, artistic and sporting activities and from copyrights, patents and similar rights, intellectual and industrial property, unless otherwise stipulated by law."
Q222 (General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.
Q222 (2024): Law on prevention of corruption and conflict of interests.
Q222 (2023): Law on prevention of corruption and conflict of interests.
Q222 (2022): Law on prevention of corruption and conflict of interests.
Q222 (2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.
Q223 (General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.
Q223 (2024): Law on prevention of corruption and conflict of interests.
Q223 (2023): Law on prevention of corruption and conflict of interests.
Q223 (2022): Law on prevention of corruption and conflict of interests.
Q223 (2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.
Q224 (2024): A judge has been issued a misdemeanor sanction and an initiative to determine liability

Q225 (General comment): Regulation on reporting a potential conflict of interest

Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

Article 76

(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.

(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person; or

Q226 (2022): Please, see general comment.

Q227 (General Comment): Law on Public prosecution office
Article 49
(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.
(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.
Q231 (General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of interests.
Q231 (2024): Law on prevention of corruption and conflict of interest
Q231 (2023): Law on prevention of corruption and conflict of interest
Q231 (2022): Law on prevention of corruption and conflict of interest
Q231 (2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.
Q232 (General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of interests.
Q232 (2024): Law on prevention of corruption and conflict of interest
Q232 (2023): Law on prevention of corruption and conflict of interest
Q232 (2022): Law on prevention of corruption and conflict of interest.
Q232 (2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Q234 (General Comment): Law on Judicial Council (2019)
A request for initiation of a procedure for determination of liability of a judge or a president of a court Article 62
(1) The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have to be exhibited at the discussion.
Q234 (2024): Please, see the general comment.
Q234 (2023): Please, see the general comment.
Q234 (2022): Please, see the general comment.

Dismissal of a judge
Article 74
(1) The judge shall be dismissed from the judicial office:- due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law and
- due to unprofessional and neglectful exercise of the judicial office under the conditions defined by law.
(2) Decision on dismissal of the judge shall be adopted by the Judicial Council of the Republic of Macedonia.
(3) The judge shall be dismissed from the judicial office in accordance with the grounds stipulated in paragraph (1) of this Article if the violation is committed:
- with the intention or apparent negligence by the fault of the judge without justified reasons and
- the injury caused severe consequences.
(4) In case of an easier form of violation of the grounds referred to in paragraph (1) of this Article, a disciplinary measure may be imposed on the judge.
(5) As of the day of entry into force of the decision on dismissal of the judge by the Judicial Council of the Republic of Macedonia on the grounds referred to in paragraph (1) of this Article, the judge's right to salary shall cease.
Serious disciplinary offence
Article 75
(1) A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:
1) severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
2) gross influence and interference in the performance of the judicial function of another judge;
3) if he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or
4) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.
(2) For the disciplinary violation referred to in paragraph (1) of this Article, the president of the court shall notify the Judicial Council of the Republic of Macedonia in writing within a period of eight days from the day of recognizing the committed violation, but not longer than three months from the committed violation.
(3) In cases of disciplinary violation of paragraph (1) line 1 of this Article, when there was a final judicial decision, the court that had adopted the decision has to immediately after obtaining decision's effectiveness, to inform the Judicial Council of the Republic of Macedonia and the president of the court where the judge is performing the judicial function about it.
(4) The procedure for establishing responsibility of judges in the case of paragraph 1 point 1 of this Article, may be initiated even when there is no previously adopted effective judicial decision.
Unprofessional and unethical performance of the judicial function
Q235 (2024): Please, see the general comment.
Q235 (2023): Please, see the general comment.
Q235 (2022): Please, see the general comment.

Q237 (Judicial Council): Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory, superficial or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:
1) If in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
2) If he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
3) Is publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
4) Without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
5) Does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
6) Takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
7) Intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the Commission is elected by lot from among the members of the Commission. If a submitter of the request is a member of the Council, he/she cannot be a member of this Commission.
The Commission will reject the request for determining responsibility of the judge or president of the court if the request:
- is not timely,
- is not complete, or
- clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy.
In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven days from the day of the notification of stopping or continuation of the procedure.
If the Council decides to continue the procedure, the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from the day of receipt of the request.
Q237 (2024): In total, 214 requests for accountability were submitted against judges, of which 135 were preliminary dismissed by the Reporting Commission. With this, the Judicial Council acted on 79 requests for accountability of judges.
Q238 (2024): In 2024, 98 requests for initiation of disciplinary proceedings were filed against 214 judges. In the same year, 192 of the proceedings against 214 judges were completed, and we do not have data on how many requests were completed, and therefore the number does not correspond to the total.
Q238 (2022): The total number of completed cases in 2022 includes cases that were initiated in 2020, 2021 and 2022.

Q219 (General comment): Yes, according to article 72 (Law on the Judicial Council)

Right to appeal

Article 72

(1) The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia (hereinafter: the Appeals Council) against the decision of the Council, is only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.

(2) The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of Northern Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.

(3) The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

(4) In the cases referred to in paragraph (3) of this Article, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.

(5) If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.

(6) An appeal or a lawsuit shall not be allowed against the decision referred to in paragraph (5).

(7) The President of the Supreme Court of the Republic of North Macedonia and a judge or a president of a court, a participant in the procedure before the Council, may not be members of the Appeals Chamber referred to in paragraph (2) of this Article.

Re-opening of the procedure on a final judgment of the European Court of Human Rights in Strasbourg

Article 73

(1) When the European Court of Human Rights finds a violation of a human right or fundamental freedoms envisaged under the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, which the Republic of North Macedonia has ratified, in accordance with the Constitution of the Republic of North Macedonia, in a proceedings before the Council and the Supreme Court of the Republic of North Macedonia, the judge or the president of the court whose right has been violated in the proceedings may, within a period of 30 days but within three years at the latest from the date the judgment of the European Court becomes final, apply to the Council for reopening of the proceedings. (2) The Council shall inform the Inter-Ministerial Commission for execution of the decisions of the European Court of Human Rights of the application filed, in accordance with the Law on Execution of the Decisions of the European Court of Human Rights. (3) The Council is obliged in the reopened procedure to comply with the legal positions stated in the final judgment of the European Court of Human Rights finding the violation of the human rights and fundamental freedoms. (4) The Council may, in accordance with Article 25 of the Law on Execution of the Decisions of the European Court of Human Rights, reopen the proceedings to eliminate the violation and the consequences arising from the violation. (5) The Council shall, from its composition, set up within 15 days a Commission of a chairman and three members to act on the filed application for reopening of the proceedings in which the members of the Council who are members of the Inter-Ministerial Commission for Execution of the Decisions of the

Q241 (General Comment): The Appeal Council in the Supreme Court of the Republic of North Macedonia is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.
The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.
In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.
If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.
An appeal or a lawsuit shall not be allowed against the decision of the Appeals Chamber.
Q241 (2022): Please, see the general comment.

Q242 (General Comment): The law on the Courts
Article 39
(1) The judge shall exercise the judicial function in the court where he/she is elected.
(2) As a rule, the judge shall be elected to try in specific areas.
(3) The judge cannot be transferred from one to another court against his/her will.
(4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.
(5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.
(6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.
(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council by a written, explained decision and it shall immediately notify the president of the court from which the judge is transferred and the president of the court to which the judge is temporary transferred.
(11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within a period of three days to the general session of the Supreme Court, which is obliged to decide upon the complaint within a period of seven days.
(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council , which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council shall be final

Q242 (2022): Please, see the general comment.

Q242 (2021): Exceptions and safeguards - article 39 Law on courts
(3) The judge cannot be transferred from one to another court against his/her will.
(6) The judge cannot be transferred from one to another court division against his/her will.
(7) The judge may require transfer from one to another division.
(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of North Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case od temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council of the Republic of Macedonia by a written, explained decision and it shall immediately notify the president of the court from which the judge is transferred and the president of the court to which the judge is temporary transferred.
(11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within a period of three days to the general session of the Supreme Court of the Republic of North Macedonia, which is obliged to decide upon the complaint within a period of seven days.
(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council of the Republic of North Macedonia, which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council of the Republic of North Macedonia shall be final.

Q243 (General Comment): Law on Public Prosecution office Article 93
(1) The proceedings for establishment of liability of public prosecutors for committed disciplinary infringement shall be conducted upon annotated proposal of the Chief Public Prosecutor of the Republic of North Macedonia for all public prosecutors, and upon annotated proposal of a Higher Public Prosecutor of a Higher Public Prosecutor’s Office for public prosecutors in a Higher Public Prosecutor’s Office, or the Basic Public Prosecutor of the Basic Public Prosecutor’s Office for public prosecutor in a basic public prosecutor’s office, ex officio or after obtained information on committed infringement. The applicant shall submit proofs for committed disciplinary infringement accompanying the proposal for initiation of disciplinary proceeding. Proceeding for establishment of public prosecutors' liability for committed disciplinary infringement shall be initiated within six months as from the day of becoming aware of the committed infringement, but no later than three years from the day when the infringement was committed.
Q243 (2022): Please, see the general comment.

Q244 (General Comment): Law on Public Prosecution office Article 93
(2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.
(3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.
(4) If the committee finds that there are no reasonable doubts for committed disciplinary infringement by the public prosecutor, it shall conclude that no proceeding will be initiated.
(5) If the committee finds that the proposal is grounded, it shall adopt a decision for initiation of a disciplinary proceeding.
(6) The public prosecutor against whom disciplinary proceeding is initiated shall be entitled to be heard before the Committee for establishing disciplinary responsibilities in a presence of a defense attorney, as well as to propose proofs in their own favour.
(7) If the Committee, with a majority of votes from the total number of its members, finds that disciplinary infringements has been committed, it shall adopt a decision and impose one of the prescribed sanction in Article 95 paragraph (1) indents 1 and 2, and paragraph (2) indent 1 of this Law.
(8) Committee members shall start voting form the more serious to milder ones when they vote on the type of disciplinary measures.
(9) The voting shall stop when a decision to impose disciplinary measure has been adopted.
(10) In the event when after the voting on each disciplinary measure no decision has been adopted with a majority of the total number of Committee members, the voting shall not be repeated, unless a total number of members submitted a proposal to repeat the voting for one of the measures, at the same session.
(11) If the majority of the Committee members consider that evidence for the existence of grounds for dismissal of a public prosecutor has been presented during the procedure, then, they may propose such dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, and the proposal shall also be submitted to the public prosecutor against whom the proceeding is initiated. Public prosecutor shall be entitled to an appeal against the proposal for their dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, within seven days from the submission of the proposal.

Q244 (2024): Please, see the general comment.
Q244 (2023): Please, see the general comment.
Q244 (2022): Please, see the general comment.
Q247 (2024): The cases were closed due to lack of evidence

Q251 (General Comment): Law on Public Prosecution office Article 94
(1) The Committee shall impose a disciplinary measure as referred to in Article 95 indents 1 and 2 and paragraph (2) indent 1 of this Law. The Council of the Public Prosecutors of the Republic of North Macedonia shall decide upon the appeal against the Committee's decision and upon appeal submitted against the proposal for dismissal, or upon the expiry of a deadline when no appeal was filed, and it may overrule, reverse or confirm the Committee's decision, or accept or refuse the dismissal proposal.
(2) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt a decision for dismissal of a public prosecutor in a procedure set by law.
(3) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt the decision for dismissal of a public prosecutor as referred to in paragraph (2) of this Article with a majority of votes of the total number of members.
(4) A decision for dismissal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organised crime and corruption shall be adopted by two-thirds majority of the total number of members of the Council of Public Prosecutors of the Republic of North Macedonia.
(5) The public prosecutor shall be entitled to initiate a dispute before the competent court against the decision made by the Council of Public Prosecutors of the Republic of North Macedonia. (6) The Council of Public Prosecutors of the Republic of North Macedonia shall enact a Rulebook on the procedure for establishment of liability of public prosecutors upon the proposal of the Chief Public Prosecutor of the Republic of North Macedonia. 22. DISCIPLINARY MEASURES Article 95
(1) When a mild disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed: - a written warning, - salary reduction in the amount of up to 15% of the monthly salary of the public prosecutor for a period of one to six months. (2) When a serious disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed:
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

Q251 (2022): Please, see the general comment.

Serbia

Q155 (**General comment**): the Law on Protection of Right to Trial within a Reasonable Time (,,Official Gazette RS", No. 40, 25 and 34/19)

: Article 3

The legal means that protect the right to a trial within a reasonable time are:

1) objection to speed up the procedure (hereinafter: objection);

2) appeal;

3) request for just satisfaction.

The party does not pay the court fee in proceedings in which the right to a trial within a reasonable time is protected. They are urgent and have priority in decision-making.

Complaint submission and complaint procedure

Article 7.

The party submits an objection to the court conducting the proceedings or the court before which the proceedings are conducted if he believes that the public prosecutor has violated his right.

The attorney of the party who is authorized to undertake all actions in the procedure that is requested to be accelerated does not need particularly many opportunities to submit the contract.

If the attorney of the party is authorized to foresee only individual actions in the procedure, which does not include the submission of legal means for the protection of the right to a trial within a reasonable time, he is obliged to submit a special power of attorney along with the objection.

If it is suspected that one of the legally prescribed reasons for the termination of the power of attorney has occurred, the court will, by means of a reasoned decision against which no personal appeal is allowed, order the attorney to submit a special deadline for the power of attorney to be issued in accordance with the law, with a warning that the objection to the contrary will be rejected as illegal.

The procedure for the objection is led by the president of the court, who decides on the objection. With the annual schedule of work, he can designate one court or several judges to lead the proceedings alongside him and decide on interviews.

An oral hearing is not held, and the law governing non-litigation proceedings is applied accordingly to other issues.

The president of the court is obliged to decide on the objection within two months from the date of receipt of the contract.

Article 14.

The party has the right to appeal if his objection is rejected or if the president of the court does not decide on it within two months from the day of receipt of the objection.

An appeal can also be filed if the objection was accepted, but the chief public prosecutor did not issue a mandatory instruction within eight days from the date of receipt of the court president's decision, then if the court president or the immediately superior public prosecutor did not order the judge or the public prosecutor to take procedural actions that effectively speed up the procedure, or if the judge or public prosecutor has not taken the ordered procedural actions within the deadline set for him.

An appeal can be filed even if the president of the court, in the decision by which he accepted the objection and determined the violation of the right to a trial, did not set a

Q156 (2024): According to the Law on Protection of Right to Trial within a Reasonable Time („Official Gazette RS“, No. 40/15 and 92/23), in the course of 2024 there were 11,843 objections to the presidents of courts for acceleration of the proceedings. Further, there were 2,533 claims were filed to courts for non-pecuniary damages and 728 claims were filed for pecuniary damages. The largest number of new cases for claims for compensation for pecuniary and non-pecuniary damage was in 2020 (29,341). Growing trend of such a high number of lawsuits has been stopped, since in 2021 there were 20,930 of these cases, in 2022 year 14,454, while in 2023 that number was reduced to 8,196 cases, and this trend was continued in 2024 to 3,261 cases. With regard to the total amount of compensation paid according to court judgments due to the violation of the right to a trial within a reasonable time for 2024, we refer to the data of the High Judicial Council , 1. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, voluntarily paid by the courts, was in the amount of RSD 124.971.205,51.
2. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of the domestic courts, collected from the courts, was in the amount of RSD 4.305.732.093,42.
3. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, paid voluntarily based on an agreement with the State Attorney’s Office, was in the amount of RSD 19.997.134,00.

Q156 (2023): According to the Law on Protection of Right to Trial within a Reasonable Time („Official Gazette RS“, No. 40/15 and 92/23), in 2023 there were 19,092 objections to the presidents of courts for acceleration of the proceedings. Further, there were 4,816 claims were filed to courts for non-pecuniary damages and 3,380 claims were filed for pecuniary damages. The largest number of new cases for claims for compensation for pecuniary and non-pecuniary damage was in 2019 (31.825). The growing trend of such a high number of lawsuits has been stopped, since in 2020 there were 29.341 of these cases, in 2021 year 20.930, while in 2022 that number was reduced to 13.060 cases, and this trend was continued in 2023 to 8,196 cases. With regard to the total amount of compensation paid according to court judgments due to the violation of the right to a trial within a reasonable time for 2023, we refer to the data of the High Judicial Council , 1. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, voluntarily paid by the courts, was in the amount of RSD 166,263,292.52.
2. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of the domestic courts, collected from the courts, was about 4,090,654,824.02 dinars.
3. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, paid voluntarily based on an agreement with the State Attorney’s Office, was in the amount of RSD 63,007,938.00 dinars.

Q156 (2022): Based on the decisions of the presidents of the courts, which accepted objections for speeding up the proceedings and found a violation of the right to a trial within reasonable time before the basic and higher courts in the Republic of Serbia, out of the total number of cases received (13,060).The largest number of these cases refer to the enforcement of legally binding court decisions. However, the exact number of Non-execution of court decisions cases is N/A.

Q156-1 (2024): By Article 7, Paragraph 7 of the Law on Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of RS", no. 40 on May 7, 2015, 92 of October 27, 2023)
Law on Amendments to the Law on the Protection of the Right to a Trial within a Reasonable Time: "Official Gazette of the RS", No. 92/2023-268 Article 16.
An objection to speed up the bankruptcy or enforcement proceedings referred to in Article 1 of this law, on which no decision has been made by the date of entry into force of this law, is considered a constitutional appeal.
An appeal against the decision rejecting the objection referred to in paragraph 1 of this article, on which no decision was made by the date of entry into force of this law, is considered a constitutional appeal.
A claim for monetary compensation filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings from Article 1 of this law, on which no first-instance decision was made by the date of entry into force of this law, is considered a constitutional appeal.
A claim for compensation for property damage that was filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings from Article 1 of this law, on which a first-instance decision was not made by the date of entry into force of this law, is considered a constitutional appeal.
The courts are obliged to, within 30 days from the date of entry into force of this law, all pending cases from para. 14. of this article to be submitted to the Constitutional Court for further proceedings and decision-making and to inform the complainant, complaint, or lawsuit about it.
The applicant to speed up the procedure, i.e. the appeal against the decision on rejection of the objection to speed up the procedure, has the right to submit to the Constitutional Court a request for compensation for material or non-material damage within 30 days from the date of receipt of the notification by the court from paragraph 5 of this article.

Q156-1 (2023): By Article 7, Paragraph 7 of the Law on Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of RS", no. 40 on May 7, 2015, 92 of October 27, 2023)
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The courts are obliged to, within 30 days from the date of entry into force of this law, all pending cases from para. 1–4. of this article to be submitted to the Constitutional Court for further proceedings and decision-making and to inform the complainant, complaint, or lawsuit about it.
The applicant to speed up the procedure, i.e. the appeal against the decision on rejection of the objection to speed up the procedure, has the right to submit to the Constitutional Court a request for compensation for material or non-material damage within 30 days from the date of receipt of the notification by the court from paragraph 5 of this article.

Q160 (2023): According to the Art. 39 of the Law on Criminal Procedure the request for the recusal can be submitted by parties and the legal representative of the defendant. In civil proceedings parties can request the recusal of the judge according to Article 69 of the Law on Civil Procedure.

Q161 (General Comment): Civil Procedure Code: Article 66
The judge is obliged to refrain from judging if there are reasons that cast doubt on his impartiality.
Article 67
A judge cannot perform his duties as a judge if:
1) is the party himself, the legal representative or attorney of the party, if he is with the party in the relationship of co-authorizer, co-obligor or recourse oblige or if he is heard as a witness or expert in the same case;
2) is, as a shareholder, the owner of more than 3% of the shares in the total capital of a legal entity, a member of a company or a member of a cooperative if one of the parties is his creditor or debtor;
3) the party or the party's legal representative or attorney is related by blood in the direct line, and in the collateral line up to the fourth degree, or his spouse, i.e. common-law partner, is a relative by in-laws up to the second degree, regardless of whether the marriage has ended or not;
4) is the guardian, adopter or adoptee of the party, its legal representative or attorney or if there is a joint household between him and the party, its legal representative or attorney;
5) some other litigation is ongoing between the judge and the party;
6) in the same case, he participated in the mediation procedure or in the conclusion of a court settlement that is disputed in the litigation, or he made a decision that is disputed, or he represented the party as a lawyer;
7) in the bankruptcy proceedings, as a bankruptcy judge or a member of the bankruptcy panel, he made a decision that led to a dispute.
A judge can be exempted if there are circumstances that cast doubt on his impartiality .
Criminal Procedure Code, Article 37:
A judge or lay judge shall be exempted from judicial duty in a specific case:
1) if he was damaged by a criminal act;
2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a blood relative in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;
3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this Code does not prescribe otherwise.
A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.
Q161 (2024): According to the Art. 39 of the Law on Criminal Procedure the request for the recusal can be submitted by parties and the legal representative of the defendant. In civil proceedings parties can request the recusal of the judge according to Article 69 of the Law on Civil Procedure.
Q161 (2022): The president of the court decides on the request for exemption from Article 39 of Criminal Procedure Code/ Article 66 of Civil Procedure Code. An appeal is not allowed against the decision rejecting or accepting the request for exemption. Court rules of procedure does not prescribe special register of these cases.

Q162 (General Comment): In accordance with the Constitution of the Republic of Serbia and the Law on Public Prosecution no one outside the Public Prosecution can influence the Public Prosecution and the holders of the prosecutorial function in handling and deciding on a particular case.

Furthermore, the Law on Public Prosecution envisages that in order to preserve the authority and impartiality of the public rosecution, inappropriate influence on the holder of the prosecutorial function in the performance of their function is prohibited, especially any form of threat and coercion, the use of public positions, the media and public speaking. Any other inappropriate influence on the public prosecution, as well as pressure on the participant in the proceedings before the public prosecution, is prohibited.

The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecution, as well as to report such influence to the High Prosecutorial Council.

However, according to the Law on Public Prosecution, the immediately higher Chief Public Prosecutor can issue a mandatory instruction to a lower Chief Public Prosecutor for handling certain cases when there is a doubt about the efficiency and legality of his action, Chief Public Prosecutor can issue mandatory instruction to Public Prosecutor (former Deputy Public Prosecutor) within the same Public Prosecution and the Supreme Public Prosecutor (General Prosecutor) to every Chief Public Prosecutor.

Instructions of the General Prosecutor are issued in order to achieve legality, effectiveness and uniformity in the actions of Public Prosecution in cases regarding certain area of criminality or certain criminal acts (such as domestic violence, trafficking in human beings, etc.), but also in order to enhance the level of protection of certain vulnerable group (such as journalists, etc.).

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Q162-0 (General Comment): CONSTITUTION OF THE REPUBLIC OF SERBIA
("Official Gazette of RS", no. 98/2006 and 115/2021)
8. Public prosecutions
Position
Article 155
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.
No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.
The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.
The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.
The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors.
The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.
Hierarchical powers and legal remedies against them are more closely regulated by law.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)Public prosecution
Article 2
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
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THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)Public prosecution
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Q162-0 (2022): Constitution of the Republic of Serbia, Article 155 (1): The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
Q162-1 (2024): Any undue influence is prohibited. There is however a possibility of a higher public prosecutor’s office to issue a mandatory instruction in a concrete case. A legal remedy for this is specified by the Constitution – an objection to the mandatory instruction to HPC
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Q162-1 (2022): Please see the previous answer.

Q162-2 (2023): The mandatory instruction is issued in written form and must contain the reason and explanation for its issuance.
As an exception, the General Prosecutor and Chief Public Prosecutor may issue an oral mandatory instruction when it is necessary to undertake actions that cannot be delayed. In that case, the mandatory instruction in written form is delivered within three days from the day of issuing the oral instruction.
Q162-2 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.
The mandatory instruction is issued in written form and must contain the reason and explanation for its issuance.
As an exception, the public prosecutor may issue an oral mandatory instruction when it is necessary to undertake actions that cannot be delayed. In that case, the mandatory instruction in written form is delivered within three days from the day of issuing the oral instruction.

Q162-2-0 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.
Q162-3 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.
Q162-4 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.
Q162-4-1 (2024): During 2024 total of 59 prosecutorial instructions were issued:
-1 instruction was issued by the General Prosecutor related to torture and ill-treatment cases, - 30 instructions were issued by the immediately higher Chief Public Prosecutor to a lower Chief Public Prosecutor
- 28 were issued by Chief Public Prosecutor to Public Prosecutor within the same Public Prosecution
Q162-4-1 (2023): During 2023 total of 47 prosecutorial instructions were issued:
-1 instruction was issued by the General Prosecutor related to traffick accidents,
- 27 instructions were issued by the immediately higher Chief Public Prosecutor to a lower Chief Public Prosecutor
- 19 were issued by Chief Public Prosecutor to Public Prosecutor within the same Public Prosecution.
Q162-4-1 (2022): During 2022 total of 38 instructions were issued, out of that number 1 instruction was issued by the General Prosecutor, 7 instructions were issued by the immediately higher public prosecutor to a lower public prosecutor and 30 were issued by public prosecutor to his/her deputy.

Q162-5 (General Comment): A lower Chief Public Prosecutor and a Public Prosecutor who believes that the mandatory instruction for work and action in a particular case is illegal or unfounded may file an objection with an explanation to a special commission within three days of receiving the written instruction.
The objection is submitted through the Chief Public Prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction he issued within three days of receiving the objection.
The Chief Public Prosecutor who issued a mandatory instruction may, before submitting an objection to the commission, make a decision revoking his mandatory instruction for work and action in a particular case.
If the Chief Public Prosecutor does not revoke his mandatory instruction, he is obliged to submit the objection to the commission on the next day after the expiration of the prescribed period of three days.
Failure of the Chief Public Prosecutor to act within the prescribed period is considered a disciplinary offense.
The Chief Public Prosecutor and the Public Prosecutor who filed the objection are obliged to take action in a particular case according to the mandatory instructions, which cannot be delayed.
The commission is obliged to make a reasoned decision on the objection within eight days from the day of receipt of the objection, at a session that is closed to the public. If the commission does not make a decision on the objection within the deadline, it is considered that the mandatory instruction for proceeding in a particular case has been annuled, which is recorded in the case files.
The commission can reject the objection against the mandatory instruction for work and action in a particular case as untimely, accept the objection and cancel the mandatory instruction for work and action in a particular case, or reject the objection as unfounded.
If the commission rejects the objection against the mandatory instruction, the Chief Public Prosecutor/the Public Prosecutor who filed the objection, is obliged to act according to the mandatory instruction for work and action in the specific case.
Mandatory instructions for work and action in a particular case, objection against a mandatory instruction, decision of the Chief Public Prosecutor on repealing mandatory instructions for work and action in a particular case and the decision of the commission on objection against a mandatory instruction are an integral part of the prosecutorial case file.

Q162-5 (2024): A lower Chief Public Prosecutor and a Public Prosecutor who believes that the mandatory instruction for work and action in a particular case is illegal or unfounded may file an objection with an explanation to a special commission within three days of receiving the written instruction.
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Mandatory instructions for work and action in a particular case, objection against a mandatory instruction, decision of the Chief Public Prosecutor on repealing mandatory instructions for work and action in a particular case and the decision of the commission on objection against a mandatory instruction are an integral part of the prosecutorial case file.

Q162-5 (2023): A lower Chief Public Prosecutor and a Public Prosecutor who believes that the mandatory instruction for work and action in a particular case is illegal or unfounded may file an objection with an explanation to a special commission within three days of receiving the written instruction.
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Failure of the Chief Public Prosecutor to act within the prescribed period is considered a disciplinary offense.
The Chief Public Prosecutor and the Public Prosecutor who filed the objection are obliged to take action in a particular case according to the mandatory instructions, which cannot be delayed.
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If the commission rejects the objection against the mandatory instruction, the Chief Public Prosecutor/the Public Prosecutor who filed the objection, is obliged to act according to the mandatory instruction for work and action in the specific case.
Mandatory instructions for work and action in a particular case, objection against a mandatory instruction, decision of the Chief Public Prosecutor on repealing mandatory instructions for work and action in a particular case and the decision of the commission on objection against a mandatory instruction are an integral part of the prosecutorial case file.
Q164 (General Comment): Constitution of the Republic of Serbia
Law on Judges;
Law on organization of courts;
Law on High Judicial Council ;
Rules of procedure of the High Judicial Council
Q164 (2024): CONSTITUTION OF THE REPUBLIC OF SERBIA ("Official Gazette of RS", no. 98/2006 and 115/2021)
LAW ABOUT JUDGES ("Official Gazette of RS", No. 10/2023)

Q164 (2023): CONSTITUTION OF THE REPUBLIC OF SERBIA
("Official Gazette of RS", no. 98/2006 and 115/2021)
the LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)
Q164 (2022): Law on Judges;
Law on organization of courts;
Law on High Judicial Council ;
Rules of procedure of the High Judicial Council
Q164 (2021): NA
Q166 (General Comment): Constitution of the Republic of Serbia
Law on Public Prosecutor's office;
Law on High Prosecutorial Council ;
Rules of procedure of the State Prosecutorial Council

8. Public prosecutions

Position

Article 155

The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.

The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.

No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.

The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.

The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.

The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors. The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.

Hierarchical powers and legal remedies against them are more closely regulated by law.

THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)

Prohibition of undue influence Article 6.

In order to preserve the authority and impartiality of the public prosecutor's office, inappropriate influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of public positions, the media and public speaking, which influence the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.

The use of legally prescribed rights of participants in the proceedings, reporting on the work of the public prosecution in accordance with the regulations governing public information, as well as expert analysis of the actions of the public prosecution, cannot be considered under undue influence from paragraph 1 of this article.

The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecutor's Office, as well as to report such influence to the High Council of the Prosecutor's Office.

The holder of the office of public prosecutor may submit a request for protection against undue influence to the High Council of Prosecutors.

The method of submitting and the procedure for requesting protection from undue influence shall be prescribed by an act of the High Prosecutorial Council.

Q166 (2022): CONSTITUTION OF THE REPUBLIC OF SERBIA
("Official Gazette of RS", no. 98/2006 and 115/2021)
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Q166 (2022): Constitution of the Republic of Serbia
Law on Public Prosecutor's office;
Law on State Prosecutorial Council ;
Rules of procedure of the State Prosecutorial Council
Q173 (2022): 28th December 2022

Q177 (General Comment): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics.
The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.

Q177 (2024): The Rulebook of the High Judicial Council's Board of Ethics ("Official Gazette of RS" No. 68/22) stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics. The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.
During 2023, the Board of Ethics acted according to the Rulebook of the High Judicial Council's Board of Ethics ("Official Gazette of RS" No. 68/22), which was applied until 2nd January 2024, when the new Rulebook of the High Judicial Council's Board of Ethics ("Official Gazette of RS" No.116/23)
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The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.

Q177 (2021): NA
Q178 (2024): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the conduct of individual judges complies with the Code of Ethics for Judges, i.e. whether the conduct of a member of the Council complies with the Code of Ethics for the members of the High Judicial Council. Anyone may submit an initiative, and the Board of Ethics may issue a general opinion or decide not to consider the submitted initiative.
The transparency of the work of the Board of Ethics is ensured by publishing announcements, reports, general opinions, guidelines and other decisions and acts on the Council's website.
The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year.

Q178 (2023): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the conduct of individual judges complies with the Code of Ethics for Judges, i.e. whether the conduct of a member of the Council complies with the Code of Ethics for the members of the High Judicial Council. Anyone may submit an initiative, and the Board of Ethics may issue a general opinion or decide not to consider the submitted initiative.
The transparency of the work of the Board of Ethics is ensured by publishing announcements, reports, general opinions, guidelines and other decisions and acts on the Council's website.
The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year. In 2023 five sessions of the Board of Ethics were held.
During 2023, the Board of Ethics issued eight general opinions that were published on the website of the High Judicial Council and are available to all judges, six decisions regarding the request of the Disciplinary Prosecutor and the Deputy Disciplinary Prosecutor of the High Judicial Council for determination of major violations of provisions of the Code of Ethics, and decided not to consider ten initiatives.
The Confidential counsellor is a member of the Board of Ethics appointed by the Board of Ethics from among its members, with whom the judges may consult when they have doubts regarding the implementation of the Code of Ethics in specific situations in which they find themselves. When providing an opinion, the confidential counsellor is guided by the Code of Ethics, the adopted positions of the Board of Ethics, while preserving the identity of the initiator of confidential counselling.
His contact phone number and email address are published on the Council's website and are available to judges.
During 2023, there were no requests for the confidential advisor.
The Law on Judges ("Official Gazette of the RS", No. 10/2023) and the Law on the High Judicial Council ("Official Gazette of the RS", No. 10/2023), which came into force on 10th May 2023, prescribed three new responsibilities of the Board of Ethics.
The first of the new competences is related to determining the incompatibility of the judicial function with other functions, jobs and private interests, the second is related to the determination of the incompatibility of the function of a member of the High Judicial Council with other functions, jobs and private interests, and the third is related to the procedure for determining disciplinary responsibilities of judges.

Q178 (2022): The Board of Ethics is a permanent working body of the High Judicial Council.
The Board of Ethics promotes ethical principles stipulated by the Code of Ethics for Judges and the Code of Ethics for the Members of the High Judicial Council and monitors their implementation to raise the awareness of the judges, the presidents of the courts and the members of the Council about the importance of ethical principles and rules of conduct in the performance of their duties, public engagement and private lives in order to raise the reputation of the judiciary and strengthen the citizen's trust in the work of judges and courts.
The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the judge's conduct is in accordance with the Judges' Code of Ethics, i.e. whether the behavior of a member of the Council is in accordance with the Code of Ethics of the members of the High Judicial Council. The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year. In 2022 five sessions of the Board of Ethics were held.
During 2022, the Board of Ethics issued 12 general opinions that were published on the website of the High Judicial Council and are available to all judges.
The Confidential counsellor is a member of the Board of Ethics appointed by the Board of Ethics from among its members, with whom the judges may consult when they have doubts regarding the implementation of the Code of Ethics in specific situations in which they find themselves.
His contact phone number and email address are published on the Council's website and are available to judges.
During 2022, sixteen requests were submitted and acted upon by the confidential advisor.
When providing an opinion, the confidential counsellor is guided by the Code of Ethics, the adopted positions of the Board of Ethics, while preserving the identity of the initiator of confidential counselling.

Q178 (2021): NA
Q178-1 (2024): In 2024, 3 three sessions of the Board of Ethics were held, 7 seven opinions in principle were adopted, which were posted on the Council's website, 6 six opinions in principle on the request of the Disciplinary Prosecutor of the High Judicial Council for determining major violations of the provisions of the Code of Ethics, while 3 three requests were dismissed as requests submitted by an unauthorized person. One initiative for issuing an opinion in principle was not taken into consideration because it was related to the conduct of a judge that is not relevant to the application of the Code of Ethics, and one request for a decision on whether a particular function, job or private interest is contrary to the dignity and independence of a judge and harmful to the reputation of the court and 3 three requests for determining major violations of the provisions of the Code of Ethics were dismissed, as acts submitted by unauthorized persons.

Q178-1 (2023): The relation of the judges and colleagues and with the court staff :
- the principle of independence and the principle of professionality and responsibility - General opinion 1/23 The attitude of the judge towards the performance of judicial function (work duties): -the principle of dignity and principle of dedication - General opinion 2/23
-the principle of professionality and responsibility, principle of dignity- General opinion 4/23 -the principle of dedication - General opinion 5/23
The judge's proceeding with the general opinions of the Board of Ethics:
-Is not in conflict with the Code of Ethics- General opinion 3/23
The judge as a party in the process of exercising of his legal rights of employees:
-the principle of dignity and principle of dedication - General opinion 6/23
The relation of the judge towards the parties in the court proceedings:
-Is not in conflict with the Code of Ethics- General opinion 7/23
-the principle of impartiality and principle of loyality to the principles of the Code of Ethics- General opinion 8/23

Q178-1 (2022): The addresed topis were:
-the judge's statements to the media (principle of impartiality)
-the relations between the judges and the attorneys of the parties in the court proceedings (principles of impartiality and dignity)
-the relations of the judges with colleagues and with the court staff (principle of dignity and principle of professionality and responsibility)
-behaving of judges in a public places (principle of dignity)
-the attitude of a judge to the High Judicial Council (principle of dignity)
-the relations of the judges towards the parties in the court proceedings (princile of dignity and principle of professionality and responsibility)

Q179 (2022): The Rulebook on the work of the Ethics Committee of the State Prosecutorial Council, Article 2:
The Ethics Committee is an occasional working body of the State Prosecutorial Council(hereinafter: the Council).
The ethics committee has a chairman, a deputy chairman and three members.
The members, at a special session, elect a president and a deputy president among themselves.
The Council appoints members of the Ethics Committee for a period of three years.
Q180 (General Comment): The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example, professor of ethics on the School of Philosophy)
Q181 (2024): https://vst.jt.rs/category/saopstenja-za-javnost/
Q181 (2023): https://vst.jt.rs/saopstenja/

Q181-1 (2023): Instructions for the actions of public prosecutors in accordance with principle 7. professional integrity and principle 8. personal integrity of the Code of Ethics

Q182 (General Comment): Law on Prevention of Corruption

IX ACTING UPON COMPLAINTS

Term of complaints

Article 87

The complaint shall be the written address of natural person or a legal entity to the Agency, in which facts causing doubt over corruption are presented.

In case the Agency is not competent to act upon a complaint, it shall forward the petition to the competent body and notify the applicant thereof.

The Agency shall protect the identity of the applicant, by not providing his/her data to anyone but the court, for the purpose of reaching the decision as to whether the identity of the applicant can be disclosed for the purpose of preserving public interest or protecting the third-party rights.

Complaint Regularity

Article 88

The complaint shall contain the facts causing doubt over corruption, the name of the body of public authority, name and surname of the person against whom it is lodged, i.e. the data based on which the identity of such person can be determined, the time, place and description of the corruptive action or corruptive conduct, as well as the signature and data on the applicant, unless the complaint is anonymous.

The complaint shall be deemed irregular if containing faults that prevent the Agency from acting upon it, if unclear and incomplete. In case the petition is irregular, the Agency shall notify the application as to how to revise the petition within 15 days from the date of reception of notification.

In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.

The Agency’s actions upon complaint shall be more closely defined by the act of the Director.

Q182 (2023): A judge in our legal framework enjoys the right to protection from undue influence. According to the provisions of Article 30 of the Law on Judges, a judge may submit a request for protection against undue influence to the High Judiciary Council. The manner of submission of the request and the procedure for the request for protection against undue influence are prescribed by an act of the High Judiciary Council. The appointment and method of work of a judge competent to act on a request for protection from undue influence, as well as the decision-making procedure of the High Judiciary Council (hereinafter: the Council) on the existence of undue influence on the work of a judge and the court, is regulated by the Rulebook on the Protection of Judges and the Court from Undue Influence ("Official Gazette of RS", number 110/2023).
Public prosecutors also enjoy protection from undue influence. According to the provisions of Article 6 of the Law on Public Prosecutor's Office, to preserve the authority and impartiality of the public prosecutor's office, inappropriate influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of a public position, the media and public speaking, which affects the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.The use of legally prescribed rights of participants in the proceedings, reporting on the work of the public prosecution in accordance with the regulations governing public information, as well as expert analysis of the actions of the public prosecution, cannot be considered under undue influence from paragraph 1 of this article.
The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecutor's Office, as well as to report such influence to the High Council of the Prosecutor's Office.
The holder of the office of public prosecutor may submit a request for protection against undue influence to the High Council of Prosecutors.
The method of submission and the procedure for the request for protection against undue influence is prescribed by the act of the High Council of the Prosecutor's Office.

Q182 (2021): IX ACTING UPON COMPLAINTS
Term of complaints
Article 87
The complaint shall be the written address of natural person or a legal entity to the Agency, in which facts causing doubt over corruption are presented.
In case the Agency is not competent to act upon a complaint, it shall forward the petition to the competent body and notify the applicant thereof.
The Agency shall protect the identity of the applicant, by not providing his/her data to anyone but the court, for the purpose of reaching the decision as to whether the identity of the applicant can be disclosed for the purpose of preserving public interest or protecting the third-party rights.
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In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.
The Agency's actions upon complaint shall be more closely defined by the act of the Director.

Q184 (2022): Case management systems of court (AVP and SAPS) have implemented functionality for random distribution of court cases. The algorithm for automatic random distribution cases contains the formula for evaluating cases by weight in basic, higher, and commercial courts.
Case management systems of courts (AVP and SAPS) have functionality for excluding judges from allocation by system administrator manual commanding in case of sick leave, vacations, etc.
Q184 (2021): Case management systems of court (AVP and SAPS) have implemented functionality for random distribution of court cases. The algorithm for automatic random distribution cases contains the formula for evaluating cases by weight in basic, higher, and commercial courts.
Case management systems of courts (AVP and SAPS) have functionality for excluding judges from allocation by system administrator manual commanding in case of sick leave, vacations, etc.
Q190 (General Comment): Law on the Corruption Prevention

Q190 (2024): THE LAW ON THE PREVENTION OF CORRUPTION ("Official Gazette of RS", no. 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021 and 14/2022)
A judge is a public official within the meaning of the law governing the prevention of corruption and is subject to the obligations of public officials established by that law.

Q190 (2023): THE LAW
ON THE PREVENTION OF CORRUPTION
("Official Gazette of RS", no. 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021 and 14/2022)A judge is a public official within the meaning of the law governing the prevention of corruption and is subject to the obligations of public officials established by that law.

Q190 (2022): Law on the Corruption Prevention
Q190 (2021): Law on the Corruption Prevention
Q192 (2022): Added to this questionnaire (unofficial translation)
Q192 (2021): Yes, added to the previous questionnaire but only in Serbian.

Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovable; right of ownership or right of lease over movables which are subject to registration;
15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
16) lease of safe deposit boxes in banks;
17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
18 shares and interest in a legal entity;
19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
20) financial instruments;
21) entrepreneurial activity;
22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being

Q135 (2022): According to the law on the corruption Prevention
Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
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15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
16) lease of safe deposit boxes in banks;
17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
18 shares and interest in a legal entity;
19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
20) financial instruments;
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22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being

Q194 (General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

Q194 (2024): In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
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A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

Q194 (2021): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

Q195 (General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.
Q195 (2024): In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.

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Q198 (General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.
*Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting Annual Verification Plan.

Q198 (2024): In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
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Q198 (2022): financial discrepancies (unusual change in assets, liabilities, income, etc.) *Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

Q198 (2021): Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.
Q200 (2024): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda
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Q201 (General Comment): Types of Measures Article 82
A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.
Requirements for Pronouncing Measures
Article 83
Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.
According to the Law on the Corruption Prevention:
According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).
According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

Q201 (2024): A public official may be pronounced a measure of reprimand or a measure of public announcement of recommendation of dismissal from public office.
Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
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When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.
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According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

Q202 (2024): The entered data refers to the number of proceedings conducted by the Agency, when we talk about the number of proceedings conducted by the misdemeanor courts, the number of cases initiated is 6, the number of completed cases is 5 (2 cases from 2022, 1 case from 2023, and 2 cases from 2024), and when it comes to the number of sanctions imposed the total is 5 (3 measures of reprimands and 2 monetary fines of 15.000,00 and 20.000,00 RSD)
Q202 (2023): Q202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:
Number of cases initiatedNumber of cases completedNumber of sanctions pronounced
Number of proceedings conducted by the Agency36 (2 from 2023
4 from 2022)5 (4 measures of reprimand 1 measure public announcement of decision on the violation of the law (3-2022 and 2-2023)
Number of proceedings conducted by the misdemeanour courts64 (from 2022)3 measures of reprimands and 1 monetary fine 30.000,00 Serbian dinars

Q202 (2022): 57 measures of reprimand and 1 fine of 30000 RSD

Q203 (General Comment): According to the Law on the Corruption Prevention:
VII. PROPERTY DISCLOSURE REPORT
Regular property disclosure report
Article 68
A public official shall, within 30 days from the date of election, appointment or nomination, submit to the Agency the report on his/her property and income (hereinafter referred to as: the Report), the property and income of the spouse or common-law partner, as well as of the minors if living in the same household, according to the state on the date of election, appointment or nomination.
A public official, who, upon termination of public office is immediately re-elected, reappointed or renominated, shall not file the Report again, if there are no changes to the data provided in the previous Report, but shall be bound to inform the Agency thereof, within 30 days from the date of re-election, reappointment or renomination.
The Report shall also be filed by a person whose public office terminated, within 30 days from the date of termination of public office, according to the state on the date of termination of public office.
Extraordinary property disclosure report
Article 69
If the property or income of a public official significantly change in the previous year, the public official shall file the Report to the Agency according to the state on 31 December, of the previous year, and prior to the expiry of deadline for the filing of the annual tax return for determining taxes to citizens' income.
Significant change shall exist if property or income were increased or decreased, according to the prior Report, or if exceeding the average annual salary without taxes and contributions in the Republic of Serbia or if the structure of such property has changed.
The person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

Q203 (2023): THE LAW ON THE PREVENTION OF CORRUPTION ("Official Gazette of RS", no. 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021 and 14/2022)
Q203 (2022): Law on the Corruption Prevention
Q203 (2021): Law on Prevention of Corruption
Q205 (2024): Form added to the previous questionnaire
Q205 (2023): Form added to the previous questionnaire
Q205 (2022): added to this questionnaire (unofficial translation)
Q205 (2021): Yes, added to the previous questionnaire but only in Serbian.

Q130 (General comment): Content of the report

Article 71

1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovables; right of ownership or right of lease over movables which are subject to registration;
15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
16) lease of safe deposit boxes in banks;
17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
18 shares and interest in a legal entity;
19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
20) financial instruments;
21) entrepreneurial activity;
22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.

* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance with Article 62 of the Law on the Corruption Prevention through compulsory reporting and

Q206 (2024): Comments According to the Law on the Corruption Prevention:
Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount ofother net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;9) net incomes from scientific and research, educational, cultural and artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovables; right of ownership or right of lease over movables which are subject to registration;
14) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts; 15) lease of safe deposit boxes in banks;
16) receivables and debts (principle amount, interest, repayment periods and date of maturity); 17) shares and interest in a legal entity;
18) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest; 19) financial instruments;
20) entrepreneurial activity;
21) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance with Article 62 of the Law on the Corruption Prevention through compulsory reporting and maintaining of gift records. Detailed explanation is in the answers for the Indicator 8.4 Conflicts of interests (question 217).

Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
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14) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
15) lease of safe deposit boxes in banks;
16) receivables and debts (principle amount, interest, repayment periods and date of maturity);
17) shares and interest in a legal entity;
18) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
19) financial instruments;
20) entrepreneurial activity;
21) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being
Q206 (2022): gift form added to the previous questionnaire
Q207 (General Comment): According to the Law on the Corruption Prevention:
In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen’s income tax, under the condition that such property and income have change significantly, compared to the previous year.

Q207 (2024): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.
Q207 (2023): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
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Q208 (General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

Q208 (2024): In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.
Q208 (2023): According to the Law on the Corruption Prevention:
In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.

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In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office.The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
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* Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

Q211 (2024): According to the Law on the Corruption Prevention:
In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office.The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures. *Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting the Annual Verification Plan.
Q211 (2023): According to the Law on the Corruption Prevention:
In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office.The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.
*Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting the Annual Verification Plan.

Q211 (2021): unexplained financial discrepancies (unusual change in assets, liabilities, income, etc.) - Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.
Q213 (2024): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda
Q213 (2023): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda
Q213 (2022): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda
Q213 (2021): http://www.acas.rs/pretraga-registra/

Q214 (General Comment): Types of Measures Article 82
A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.
Requirements for Pronouncing Measures
Article 83
Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.
According to the Law on the Corruption Prevention:
According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).
According to the Law on the Corruption Prevention:
According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

Q214 (2024): Types of Measures Article 82
A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision. Requirements for Pronouncing Measures
Article 83
Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.
1 Fine
According to the Law on the Corruption Prevention:
According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).

Q214 (2023): Types of Measures Article 82
A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.
Requirements for Pronouncing Measures
Article 83
Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.
1 Fine
According to the Law on the Corruption Prevention:
According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).

Q215 (2024): The entered data refers to the number of proceedings conducted by the Agency, when we talk about the number of proceedings conducted by the misdemeanor courts, the number of cases initiated is 18, the number of completed cases is 3, and when it comes to the number of sanctions imposed, 2 measures of reprimands and 1 acquittal. The reason for the increased number of initiated and completed proceedings is the Annual Plan for the Verification of Assets and Income for 2024, which, in addition to other public officials, significantly includes public officials from the judiciary. This covers chief public prosecutors of basic public prosecutor's offices in the Republic of Serbia, judges of the Administrative Court, and judges of the Commercial Appellate Court.
A detailed overview of the Annual Plan for the Verification of Assets and Income is published on the Agency's website: https://www.acas.rs/cyr/page_with_sidebar/plan_provere.

Q215 (2023): 3 measures of reprimand (from 2022)
Q215 (2022): 7 measures of reprimand

Q22: (Judicial Council): Law on prevention of corruption Articles 43-45, Law on judges Articles 82-86
Law on civil procedure Articles 66-69, Law on criminal procedure code 37-40
Law on prevention of corruption Articles 57, 58 and 66
According to Law on judges (“Official Gazette of RS", No. 10/2023) a judge may not hold function in other authority of the Republic of Serbia, authority of autonomous province, local units of self-government, city municipality or public authorities, if a law doesn’t prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.
Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.
The Ethics Committee decides which job or a private interest is contrary to the dignity and independence of a judge and damaging to the reputation of the judicial function, on the basis of the Code of Ethics. A judge may, outside of working hours, be engaged in teaching, scientific and artistic activities and be a member of a body for the verification of competencies, for a fee, without special approval. In a case stipulated by the law, a judge may be engaged in teaching and scientific activities in a Judicial Academy during working hours. During working hour, upon the approval of the president of the court, a judge may participate in the work of professional bodies established in accordance with special regulations and working groups for the preparation of laws and other acts. A judge is required to notify the High Judicial Council, in writing, of another function, a job or a private interest that may be deemed incompatible with judicial function. The notification may be submitted to the High Judicial Council by any person. The High Judicial Council initiates and leads the decision-making process on the incompatibility of the judicial function with other function , a job or a private interest in accordance with the act of the High Judicial Council. The High Judicial Council shall notify the judge, the president of the court and the president of the immediately superior court about the existence of incompatibility of a function, a job or a private interest with the judicial function.
Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)
Notifying the Agency
Article 42
A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.
A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.
The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.
Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.
The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

province, local units of self-government, city municipality or public authorities, if a law doesn’t prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.

Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.

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Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)

Notifying the Agency

Article 42

A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

Article 43.

Initiation of the procedure for deciding on the existence of a conflict of interest Article 43.

Q22: (2023) According to Law on judges ("Official Gazette of RS", No. 10, 2023), a judge may not hold function in state authority, of the Republic of Serbia, authority of autonomous province, local units of self-government, city municipality or public authorities, if a law doesn't prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.
Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.
The Ethics Committee decides which job or a private interest is contrary to the dignity and independence of a judge and damaging to the reputation of the judicial function, on the basis of the Code of Ethics. A judge may, outside of working hours, be engaged in teaching, scientific and artistic activities and be a member of a body for the verification of competencies, for a fee, without special approval. In a case stipulated by the law, a judge may be engaged in teaching and scientific activities in a Judicial Academy during working hours. During working hour, upon the approval of the president of the court, a judge may participate in the work of professional bodies established in accordance with special regulations and working groups for the preparation of laws and other acts. A judge is required to notify the High Judicial Council, in writing, of another function, a job or a private interest that may be deemed incompatible with judicial function. The notification may be submitted to the High Judicial Council by any person. The High Judicial Council initiates and leads the decision-making process on the incompatibility of the judicial function with other function , a job or a private interest in accordance with the act of the High Judicial Council. The High Judicial Council shall notify the judge, the president of the court and the president of the immediately superior court about the existence of incompatibility of a function, a job or a private interest with the judicial function.
Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)
Notifying the Agency
Article 42
A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.
A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.
The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.
Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.
The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.
Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.
Article 43.
Initiation of the procedure for deciding on the existence of a conflict of interest

Q217 (2022): Notifying the Agency

Article 42

A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.

A Catalogue of Gifts

Article 66

Using the data from the record of gifts, the Agency shall publish a Catalogue of Gifts on its website.

The Catalogue of Gifts shall be published by 1 June of the current year for the previous calendar year.

Q22: (2022) In accordance with Article 42 of the Law on the Corruption Prevention, a public official shall be bound to, when assuming duty, or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.
A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest unless threat of delay exists.
The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.
Should the public official seek opinion on the existence of conflict of interest during public procurements, the Agency shall provide opinion thereof, within eight days.
The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.
Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.
According to the Law on the Corruption Prevention:
VI GIFTS
Term of Gifts
Article 57
A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.
Prohibition of Receiving a Gift
Article 58
A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.
Handover of the Received Protocol or Appropriate Gift to the Body of Public
Authority
Article 59
A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.
An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.
Received appropriate or protocol gifts shall become public property, in line with the law governing public property.
A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.
Retaining Property over Protocol and Appropriate Gifts

Q218 (General Comment): According to Law on judges (“Official Gazette of RS", No. 10/2023) a judge may not hold function in other authority of the Republic of Serbia, authority of autonomous province, local units of self-government, city municipality or public authorities, if a law doesn’t prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.
Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.
The Ethics Committee decides which job or a private interest is contrary to the dignity and independence of a judge and damaging to the reputation of the judicial function, on the basis of the Code of Ethics. A judge may, outside of working hours, be engaged in teaching, scientific and artistic activities and be a member of a body for the verification of competencies, for a fee, without special approval. In a case stipulated by the law, a judge may be engaged in teaching and scientific activities in a Judicial Academy during working hours. During working hour, upon the approval of the president of the court, a judge may participate in the work of professional bodies established in accordance with special regulations and working groups for the preparation of laws and other acts. A judge is required to notify the High Judicial Council, in writing, of another function, a job or a private interest that may be deemed incompatible with judicial function. The notification may be submitted to the High Judicial Council by any person. The High Judicial Council initiates and leads the decision-making process on the incompatibility of the judicial function with other function , a job or a private interest in accordance with the act of the High Judicial Council. The High Judicial Council shall notify the judge, the president of the court and the president of the immediately superior court about the existence of incompatibility of a function, a job or a private interest with the judicial function.

Q218 (2024): Law on Mediation in Dispute Resolution ("Official Gazette of RS", No. 55/2014) Judges can mediate exclusively outside of working hours and without compensation.
Law on Judges (“Official Gazette of RS", No. 10/2023) Article 31. position 5-7. A judge can, outside of working hours, engage in teaching, scientific and artistic activities without special approval and be a member of a body for checking expertise, for a fee. In the case specified by law, a judge may, during working hours, perform teaching and scientific activities at the Judicial Academy. During working hours, with the approval of the president of the court, a judge can participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of laws and other acts.
Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.
Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.
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Judges are public officials in the sense of the law that regulates the prevention of corruption and have all the obligations imposed on public officials as stipulated by such a law.

Q218 (2023): Law on Mediation in Dispute Resolution ("Official Gazette of RS", No. 55/2014) Judges can mediate exclusively outside of working hours and without compensation.
Law on Judges (“Official Gazette of RS", No. 10/2023) Article 31. position 5-7. A judge can, outside of working hours, engage in teaching, scientific and artistic activities without special approval and be a member of a body for checking expertise, for a fee.
In the case specified by law, a judge may, during working hours, perform teaching and scientific activities at the Judicial Academy.
During working hours, with the approval of the president of the court, a judge can participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of laws and other acts.

Q218 (2022): Scientific activity and cultural activities with and without remuneration
About this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Q218 (2021): Scientific activity and cultural activities with and without remuneration
About this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.
Q219 (General Comment): Yes, by the High Judicial Council and Agency on prevention od corruption
Q220 (2024): Agency for prevention on corruption
Q220 (2023): Agency for prevention on corruption
Q222 (General Comment): The Law on judges
The Law on the prevention of corruption
The Civil procedure Law
The Criminal procedure Law

Q222 (2024): The law on prevention of conflict of interest in the Serbian legal framework is the Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021, 14/2022)
Other marked laws (in addition to the Law on the prevention of corruption) are the one that regulates recusals.
According to the Law on Judges (“Official Gazette of RS", No. 10/2023) article 97. Disciplinary offenses, among others, are:
1) violation of the principle of impartiality;
2) failure of the judge to ask for exemption in cases where there is an obvious reason for exemption, that is, exclusion provided for bylaw;
9) accepting a gift contrary to the regulation governing conflict of interest;
12) performance of another function, job or private interest that is incompatible with the function of a judge; The consequence of the above-mentioned disciplinary violations may be the dismissal of the judge.
The Law on Judges (“Official Gazette of RS", No. 10/2023) further regulates initiation of the procedure to determine the reasons for the judge's dismissal Article 99.
If in the disciplinary procedure it is determined by a final decision that the judge has committed a serious disciplinary offense, the High Council of the Judiciary, i.e. the Disciplinary Commission can initiate a procedure to determine the reasons for the judge's dismissal. In the procedure for determining the reason for the dismissal of a judge from paragraph 1 of this article, the High Council of the Judiciary assesses whether the committed disciplinary offense seriously damages the reputation of the judicial function or the public's trust in the judiciary.
Q222 (2023): The law on prevention of conflict of interest in the Serbian legal framework is the Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021, 14/2022)
Other marked laws (in addition to the Law on the prevention of corruption)are the one that regulates recusals.
According to the Law on Judges (“Official Gazette of RS", No. 10/2023) article 97. Disciplinary offenses, among others, are:
1) violation of the principle of impartiality;
2) failure of the judge to ask for exemption in cases where there is an obvious reason for exemption, that is, exclusion provided for by law;
9) accepting a gift contrary to the regulation governing conflict of interest;
12) performance of another function, job or private interest that is incompatible with the function of a judge;
The consequence of the above-mentioned disciplinary violations may be the dismissal of the judge.
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In the procedure for determining the reason for the dismissal of a judge from paragraph 1 of this article, the High Council of the Judiciary assesses whether the committed disciplinary offense seriously damages the reputation of the judicial function or the public's trust in the judiciary.

Q223 (General Comment): In accordance with articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus, the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of law.
The law on prevention of conflict of interest in the Serbian legal framework is the Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021, 14/2022)
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1) violation of the principle of impartiality;
2) failure of the judge to ask for exemption in cases where there is an obvious reason for exemption, that is, exclusion provided for by law;
9) accepting a gift contrary to the regulation governing conflict of interest;
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Q223 (2023): In accordance with articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus, the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of law.

Q223 (2022): In accordance with articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus, the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of law.

Q223 (2021): In accordance with articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus, the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of law.
Q224 (2024): According to data from the Anti-Corruption Agency, the number of cases initiated is 2, the number of cases completed is 1, and the number of sanctions pronounced is 1, as a measure of reprimand. Proceedings conducted by the misdemeanor courts are 0 for all three fields.
Q224 (2023): 1 measure - public announcement of the recommendation for dismissal from the public office. The entered data are the one related to the proceedings for conflict of interesd counducted by the Agency for prevention of corruption.
Please consider additional data regarding procedures conducted by the High Judicial Council in 2023 2023- 6 decisions - not incompatible with the function of a judge
Q224 (2022): 2 measures of reprimand
Q224 (2021): Number of cases completed - 8 (6 cases initiated before 2021 and 2 cases initiated in 2021)
Number of sanctions pronounced - 2 (1 measure of reprimand for the case initiated in 2019, and 1 decision which imposes the termination of second public office by force of the law for the case initiated in 2020)

Q226 (General comment): Law on the Prevention of Corruption articles 40-43, Law on Public Prosecutors articles 37, and 71-73, and Law on Criminal Procedure Code articles 37-40 and 42

Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)

Notifying the Agency

Article 42

A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

Article 43.

Initiation of the procedure for deciding on the existence of a conflict of interest

Article 43.

The Agency initiates ex officio a procedure in which it decides on the existence of a conflict of interest, within two years from the day of learning about the existence of the action or inaction of a public official that caused suspicion of a conflict of interest.

The procedure referred to in paragraph 1 of this article cannot be initiated or terminated if five years have passed since the action or inaction of the public official that caused the suspicion of a conflict of interest.

The Agency can also initiate proceedings upon the application of a natural or legal person.

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

Q226 (2023): Law on the Prevention of Corruption articles 40-43, Law on Public Prosecutors articles 37, and 71-73, and Law on Criminal Procedure Code articles 37-40 and 42

days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.
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VI GIFTS
Term of Gifts
Article 57
A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.
Prohibition of Receiving a Gift
Article 58
A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.
Handover of the Received Protocol or Appropriate Gift to the Body of Public
Authority
Article 59
A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.
An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.
Received appropriate or protocol gifts shall become public property, in line with the law governing public property.
A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.
Retaining Property over Protocol and Appropriate Gifts

[illegible]
5. Incompatibility of the public prosecutor's function with another function, job or private interest
The relationship of another function, work or private interest with the public prosecutor's function
Article 71
The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.
Any other function, job or private interest that is contrary to the reputation and independence of the public prosecutor's office is also incompatible with the public prosecutor's office.
The Ethics Committee decides which function, job or private interest is in conflict with the dignity and independence of the holder of the public prosecutor's office and harms the reputation of the public prosecutor's office, based on the Code of Ethics.
The holder of the public prosecutor's office may, outside of working hours, engage in artistic, teaching and scientific activities, for a fee, without special approval.
In the case specified by law, the holder of the public prosecutor's office can, during working hours, perform teaching and scientific activities at the Judicial Academy.
During working hours, the public prosecutor may, with the approval of the Supreme Public Prosecutor or the Chief Public Prosecutor, participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of a law or other act.
Procedure for deciding on incompatibility
Article 72
The holder of the office of public prosecutor is obliged to inform the High Council of Prosecutors in writing about another office, job or private interest that may be incompatible with the office of public prosecutor.
The notice referred to in paragraph 1 of this article can be submitted to the High Council of the Prosecution by any other person.
The High Prosecution Council initiates and leads the decision-making process on the incompatibility of the public prosecutor's function with another function, job or private interest, in accordance with the act of the High Prosecution Council.
The High Council of the Prosecutor's Office informs the holder of the public prosecutor's office, the chief public prosecutor and the immediately senior chief public prosecutor, about the existence of incompatibility of function, job or private interest with the public prosecutor's office.
Application of another regulation
Article 73
The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.

5. Incompatibility of the public prosecutor's function with another function, job or private interest
The relationship of another function, work or private interest with the public prosecutor's function
Article 71
The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.
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The High Council of the Prosecutor's Office informs the holder of the public prosecutor's office, the chief public prosecutor and the immediately senior chief public prosecutor, about the existence of incompatibility of function, job or private interest with the public prosecutor's office.
Application of another regulation
Article 73
The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.

The relationship of another function, work or private interest with the public prosecutor's function

Article 71

The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.

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The holder of the public prosecutor's office may, outside of working hours, engage in artistic, teaching and scientific activities, for a fee, without special approval.

In the case specified by law, the holder of the public prosecutor's office can, during working hours, perform teaching and scientific activities at the Judicial Academy.

During working hours, the public prosecutor may, with the approval of the Supreme Public Prosecutor or the Chief Public Prosecutor, participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of a law or other act.

Procedure for deciding on incompatibility

Article 72

The holder of the office of public prosecutor is obliged to inform the High Council of Prosecutors in writing about another office, job or private interest that may be incompatible with the office of public prosecutor.

The notice referred to in paragraph 1 of this article can be submitted to the High Council of the Prosecution by any other person.

The High Prosecution Council initiates and leads the decision-making process on the incompatibility of the public prosecutor's function with another function, job or private interest, in accordance with the act of the High Prosecution Council.

The High Council of the Prosecutor's Office informs the holder of the public prosecutor's office, the chief public prosecutor and the immediately senior chief public prosecutor, about the existence of incompatibility of function, job or private interest with the public prosecutor's office.

Application of another regulation

Article 73

The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.

Q227 (2021): Scientific activity and cultural activities with and without remuneration

About this question, an official (public prosecutor, deputy prosecutor) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Q229 (General Comment): Law on public prosecutors (Official Gazette 10, 2023)
5. Incompatibility of the public prosecutor's function with another function, job or private interest
The relationship of another function, work or private interest with the public prosecutor's function
Article 71
The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.
Any other function, job or private interest that is contrary to the reputation and independence of the public prosecutor's office is also incompatible with the public prosecutor's office.
The Ethics Committee decides which function, job or private interest is in conflict with the dignity and independence of the holder of the public prosecutor's office and harms the reputation of the public prosecutor's office, based on the Code of Ethics.
The holder of the public prosecutor's office may, outside of working hours, engage in artistic, teaching and scientific activities, for a fee, without special approval.
In the case specified by law, the holder of the public prosecutor's office can, during working hours, perform teaching and scientific activities at the Judicial Academy.
During working hours, the public prosecutor may, with the approval of the Supreme Public Prosecutor or the Chief Public Prosecutor, participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of a law or other act.
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Application of another regulation
Article 73
The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.
Q229 (General Comment): The High Prosecutorial Council

Q152 (General comment): In Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022) articles 77-86.
Law on criminal procedure code Corresponding application of exemption provisions
Article 42
The provisions on the exemption of judges and lay judges shall accordingly apply to public prosecutors and persons authorized by law to replace the public prosecutor in the proceedings, recorders, translators, interpreters and experts, as well as to experts, unless otherwise specified by this Code. (Article 116).
The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.
The public prosecutor or the court decides on the exemption of recorders, translators, interpreters, experts and experts.
When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - decision US and 62/2021 - decision US)
EXEMPTIONS
Reasons for exemption
Article 37
A judge or lay judge shall be exempted from judicial duty in a specific case:
1) if he was damaged by a criminal act;
2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a relative by blood in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;
3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.
A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.
The judge's action when he learns of the reason for the disqualification
Article 38
As soon as a judge or judge-juror finds out that there is a reason for his dismissal (Article 37, paragraph 1), he is obliged to stop all work on that case and to inform the president of

Q152 (2024): In Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 autentic interpretation, 94/2021, 14/2022) articles 77-86.

Law on criminal procedure code Corresponding application of exemption provisions Article 42

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The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.

The public prosecutor or the court decides on the exemption of recorders, translators, interpreters, experts and experts.

When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.

Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 decision US and 62/2021 - decision US)

EXEMPTIONS

Reasons for exemption

Article 37

A judge or lay judge shall be exempted from judicial duty in a specific case:

1) if he was damaged by a criminal act;

2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in anextramarital or other permanent union of life, or a relative by blood in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;

3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter,adoptee, foster parent or foster parent;

4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated inmaking a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.

A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.

The judge's action when he learns of the reason for the disqualification

Article 38

As soon as a judge or judge-juror finds out that there is a reason for his dismissal (Article 37, paragraph 1), he is obliged to stop all work
on that case and to inform the president of the court about it, who will dismiss him by decision and order that assign the case to another judge in order.

Q152 (2020): In Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 autentic interpretation, 94/2021, 14/2022) articles 77-86.
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3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.
A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.
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Article 38
As soon as a judge or judge-juror finds out that there is a reason for his dismissal (Article 37, paragraph 1), he is obliged to stop all work on that case and to inform the president of

Q231 (2021): In accordance with articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus, the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of law.

Q152 (General comment): In Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022) articles 77-86.
Law on criminal procedure code Corresponding application of exemption provisions
Article 42
The provisions on the exemption of judges and lay judges shall accordingly apply to public prosecutors and persons authorized by law to replace the public prosecutor in the proceedings, recorders, translators, interpreters and experts, as well as to experts, unless otherwise specified by this Code. (Article 116).
The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.
The public prosecutor or the court decides on the exemption of recorders, translators, interpreters, experts and experts.
When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - decision US and 62/2021 - decision US)
EXEMPTIONS
Reasons for exemption
Article 37
A judge or lay judge shall be exempted from judicial duty in a specific case:
1) if he was damaged by a criminal act;
2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a relative by blood in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;
3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.
A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.
The judge's action when he learns of the reason for the disqualification
Article 38
As soon as a judge or judge-juror finds out that there is a reason for his dismissal (Article 37, paragraph 1), he is obliged to stop all work on that case and to inform the president of

Q152 (2024): Law on prevention of corruption ("Official Gazette 35, 2019, 88, 2019, 11, 2021 - authentic interpretation, 94, 2021, 14, 2022, articles 77-80
Law on criminal procedure code Corresponding application of exemption provisions
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The public prosecutor or the court decides on the exemption of recorders, translators, interpreters, experts and experts.
When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.
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3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter,adoptee, foster parent or foster parent;
4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated inmaking a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.
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Q232 (2023): In Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 autentic interpretation, 94/2021, 14/2022) articles 77-86.
Law on criminal procedure code Corresponding application of exemption provisions
Article 42
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The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.
The public prosecutor or the court decides on the exemption of recorders, translators, interpreters, experts and experts.
When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - decision US and 62/2021 - decision US)
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1) if he was damaged by a criminal act;
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3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.
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Article 38
As soon as a judge or judge-juror finds out that there is a reason for his dismissal (Article 37, paragraph 1), he is obliged to stop all work on that case and to inform the president of
Q233 (2023): 1 measure for reprimand

Q23-1 (General comment): According to the Law on Judges ("Official Gazette of RS", No. 10/2023), article 102 regulates that any person can file a disciplinary complaint against a judge or the president of the court, to the Disciplinary Prosecutor.

The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor based on a disciplinary report or ex officio.

Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.

During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.

Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.

The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.

Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and executed disciplinary measures.

THE LAW

ON THE ARRANGEMENT OF THE COURTS

("Official Gazette of RS", No. 10/2023)

This Law regulates the jurisdiction of the Ministry of Justice and the High Judicial Council in terms of supervision of the implementation of the Court Rulebook. The Ministry of Justice has limited power over the questions regulated by the Court Rulebook (Court rules of procedure) regarding supervision. If the deficiencies are not eliminated within the set deadlines, the supervising authority, in this case the Ministry of Justice, will file a disciplinary report against the president of the supervised court.

Supervision over the implementation of the Rules of Court

Article 77

The implementation of the Court Rules of Procedure is supervised by the High Council of the Judiciary and the Ministry responsible for the judiciary.

The High Council of the Judiciary supervises the application of the Rules of Procedure of the Court in connection with the tasks referred to in Article 76, paragraph 1, point. 1)-9), 14), 15) and 17) of this law, and the ministry responsible for justice in connection with the affairs from Article 76, paragraph 1, item 10) and 16) of this law.

The High Council of the Judiciary and the Ministry responsible for the judiciary jointly supervise the implementation of the Rules of Court in connection with the tasks prescribed in Article 76, paragraph 1, point. 11)-13) of this law.

In the event that supervision is carried out on the basis of a submitted complaint, the competence of the authority for conducting supervision is determined depending on the violation of the Rules of Court that the complainant indicates.

The complaint form is an integral part of the Court Rules of Procedure.

Q234 (2024): According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND COURT PRESIDENTS ("Official Gazette of RS", No. 24/2024) Disciplinary report

Article 24

Any person can file a disciplinary complaint against a judge, that is, the president of the court, to the Disciplinary Prosecutor.

The disciplinary report is submitted in writing.

A disciplinary report can also be submitted electronically, if the applicant has an electronic signature.

The disciplinary report must contain the name and surname of the judge and the name of the court in which he performs the function of judge, i.e. the name and surname of the president of the court and the name of the court in which he performs the function of president of the court, a brief description of the actions of the judge, i.e. the president of the court, the name and surname of the applicant, his address and signature.

If the disciplinary report is incomprehensible or does not contain all the information to be able to act on it (paragraph 3), the Disciplinary Prosecutor will return the report to the applicant, set a deadline of eight days for the correction or amendment of the disciplinary report and warn of the consequences of failure.

The disciplinary prosecutor will reject the disciplinary report if the applicant does not make corrections, i.e. additions, or if he does not make them within the time limit referred to in paragraph 5 of this article.

Initiation of disciplinary proceedings

Article 31

Disciplinary proceedings are initiated when the Disciplinary Prosecutor submits a proposal for conducting disciplinary proceedings to the Disciplinary Commission.

The proposal for conducting disciplinary proceedings contains:

1) personal data of the judge (name and surname, date of birth and address) and the court in which he performs the function of judge, that is, personal data of the president of the court (name and surname, date of birth and address) and the court in which he performs the function of the president of the court;

2) factual description and legal qualification of the disciplinary offense;

3) a proposal on the evidence to be presented at the disciplinary hearing and a proposal for a disciplinary measure.

It is not allowed to submit a new proposal for conducting disciplinary proceedings based on the same facts.

Q233 (2023): According to the Law on Judges ("Official Gazette of RS", No. 10/2023), article 102 regulates that any person can file a disciplinary complaint against a judge or the president of the court, to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor based on a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.
The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and executed disciplinary measures.
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The High Council of the Judiciary and the Ministry responsible for the judiciary jointly supervise the implementation of the Rules of Court in connection with the tasks prescribed in Article 76, paragraph 1, point. 11)-13) of this law.
In the event that supervision is carried out on the basis of a submitted complaint, the competence of the authority for conducting supervision is determined depending on the violation of the Rules of Court that the complainant indicates.
The complaint form is an integral part of the Court Rules of Procedure.
Q234 (2022): Anyone may file a complaint based on which disciplinary proceedings are formaly initiated bu the HJC disciplinary prosecutor
Q234 (2021): Anyone may file a complaint based on which disciplinary proceedings are formaly initiated bu the HJC disciplinary prosecutor

Q235 (General Comment): According to the Law on Judges ("Official Gazette of RS", No. 10/2023) High Judicial Council is an authority in charge of disciplinary proceedings.
Judges Rule book on the procedure for determining the disciplinary responsibility of the court and the president of the courts ("Official Gazette of RS", number 24 of March 22, 2024) regulates forming, way of working, and decision-making of disciplinary bodies, the procedure for determining the disciplinary responsibility of judges and court presidents for disciplinary offenses prescribed by the Law on Judges, the imposition and execution of disciplinary measures.

Q235 (2024): According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND PRESIDENTS OF COURTS ("Official Gazette of RS", No. 24/2024) Submitting a request to the Ethics Committee
Article 30
If he does not reject the disciplinary report, the Disciplinary Prosecutor, before submitting a proposal for conducting disciplinary proceedings due to a disciplinary offense from Article 97, paragraph 1, point 20 of the Law on Judges ("Official Gazette of the RS", number 10/23), submits a request to the Ethics Committee to establish a significant violation of the provisions of the Code of Ethics.
In the request for establishing a significant violation of the provisions of the Code of Ethics, the Disciplinary Prosecutor states a factual description of the behavior of the judge, that is, the president of the court and the circumstances in which it was manifested, without specifying the personal data of the judge, that is, the president of the court.
The Ethics Committee is obliged to decide on a significant violation of the provisions of the Code of Ethics within 90 days from the date of receipt of the Disciplinary Prosecutor's request and to submit an opinion on the submitted request to the Disciplinary Prosecutor.
Decision of the Disciplinary Commission
Article 40
The Disciplinary Commission makes a decision in the form of a resolution.
Disciplinary commission by decision:
- rejects the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings;
- approves the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings, declares the judge, that is, the president of the court responsible for a disciplinary offense and imposes the appropriate disciplinary measure on him.
The Disciplinary Commission will suspend the procedure by decision if:
- Disciplinary prosecutor in the course of the procedure abandons the proposal for conducting the disciplinary procedure;
- the judge, that is, the president of the court against whom the proceedings are being conducted, ceases to be a judge;
- the disciplinary procedure became obsolete;
- the properly summoned Disciplinary Prosecutor does not attend the hearing without a valid reason (Article 34, paragraph 2).

Q235 (2022): The Law on Judges ("Official Gazette of RS", No. 10, 2023), Disciplinary action
Article 101
Any person can file a disciplinary complaint against a judge, that is, the president of the court, to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.
The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and executed disciplinary measures.
Decisions of the disciplinary prosecutor
Article 102
The disciplinary prosecutor can reject the disciplinary report or accept it and submit a proposal for conducting disciplinary proceedings.
The position of the judge in the disciplinary procedure
Article 103
The judge has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through a proxy.
The judge has the right to present his allegations orally before the Disciplinary Commission.
Decisions of the Disciplinary Commission
Article 104
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted, may appeal to the High Council of the Judiciary, within eight days from the date of delivery of the decision.
Q235 (2022): Disciplinary commission of the HJC and the Disciplinary Prosecutor of the HJC

Q236 (General Comment): the Law on Judges ("Official Gazette of RS", No. 10/2023) The position of the judge in the disciplinary procedure
Article 103
The judge has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through a proxy.
The judge has the right to present his allegations orally before the Disciplinary Commission.
The right to comment on the proposal for conducting disciplinary proceedings is also regulated by the Rulebook on the procedure for determining the disciplinary responsibility of judges and presidents of courts("Official Gazette of RS", number 24 of March 22, 2024) Article 32.
The judge, that is, the president of the court, has the right to have the Disciplinary Commission immediately submit to him a proposal for conducting disciplinary proceedings with attached evidence.
Along with the proposal for conducting disciplinary proceedings, the disciplinary commission informs the judge, i.e. the president of the court, that he has the right to hire an attorney, to declare himself or through an attorney about the proposal and the attached evidence, as well as to provide an explanation and propose evidence for his allegations, within eight days from the receipt of the notification.
Invitation to a disciplinary hearing
Article 33.
Upon receiving the statement of the judge, that is, the president of the court or after the deadline for the statement has expired, the president of the Disciplinary Commission schedules a disciplinary hearing.
Along with the summons for the disciplinary hearing, the disciplinary prosecutor is also sent the statement of the judge, that is, the president of the court with all the attached evidence.
At least eight days must elapse from the day the summons is delivered to the parties to the day the disciplinary hearing is held.

Q236 (2024): According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND COURT PRESIDENTS ("Official Gazette of the RS", No. 24/2024) The right to a statement on the proposal for conducting disciplinary proceedings
Article 32
The judge, that is, the president of the court, has the right to have the Disciplinary Commission immediately submit to him a proposal for conducting disciplinary proceedings with attached evidence.
Along with the proposal for conducting disciplinary proceedings, the disciplinary commission informs the judge, i.e. the president of the court, that it has the right to hire an attorney, to declare itself or through an attorney about the proposal and the attached evidence, as well as to provide an explanation and propose evidence for its allegations, within eight days of receiving the notification.
Rights of the judge, that is, the president of the court at the disciplinary hearing
Article 37
The president of the Disciplinary Commission will warn the judge, i.e. the president of the court against whom disciplinary proceedings are being conducted, that he has the right not to say anything, to withhold an answer to a particular question, to verbally state his allegations, admit or not admit responsibility for a disciplinary offense, to make a statement himself or through a proxy, and in particular about the right to present facts and propose evidence in support of his allegations, ask questions of other participants in the proceedings, make objections and give explanations in connection with the presented evidence.

Q236 (2022): The Law on Judges ("Official Gazette of RS", No. 10, 2023)
Disciplinary action
Article 101
Any person can file a disciplinary complaint against a judge, that is, the president of the court, to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.
The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.
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Article 102
The disciplinary prosecutor can reject the disciplinary report or accept it and submit a proposal for conducting disciplinary proceedings.
The position of the judge in the disciplinary procedure
Article 103
The judge has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through a proxy.
The judge has the right to present his allegations orally before the Disciplinary Commission.
Decisions of the Disciplinary Commission
Article 104
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted, may appeal to the

Q236 (2022): Article 23 and 32 of the Rulebook on the procedure for determining the disciplinary responsibility of judges and presidents of courts

Q237 (General Comment): Breach of professional ethics (including breach of integrity) 3
Professional inadequacy 11

Q237 (2022): Disciplinary offenses in accordance with Article 90 of the Law on Judges: Paragraph 1 –a violation of the principle of independence.

Q238 (General Comment): Total number 11
Breach of professional ethics (including breach of integrity) 2
Professional inadequacy 9
Q239 (General Comment): Reprimand 3
Temporary reduction of salary 4
Q239 (2022): Other: ban on promotion for a period of three years
Q239 (2021): Other: ban on promotion for a period of 3 years
Q240 (General Comment): Article 36.of the Rulebook for determining the disciplinary responsibility of judges and presidents of courts
Against the decision of the Disciplinary Commission, the Disciplinary prosecutor, the judge and his representative/ the president of the court and his representative, may file an appeal with the Council within eight days from the date of delivery of the decision.
The decision can be contested:
1) due to violations of procedural rules that could have an impact on the adoption of a legal and proper decision,
2) due to wrongly or incompletely established factual situation,
3) due to incorrect application of substantive law,
4) due to the decision on the imposed disciplinary sanction.
The complaint contains:
1) designation of the decision against which the appeal is filed,
2) a statement that the decision is disputed in its entirety or in a certain part,
3) reasons for appeal,
4) signature of the person making the complaint.
In the appeal, new facts can be presented and new evidence can be proposed only if the appellant makes it probable that he could not present them, that is, propose them during the first instance disciplinary procedure, through no fault of his own.
The complaint with attachments is submitted to the other party in the proceedings, who can submit an answer to the complaint within three days from the date of submission of the complaint. An untimely response to the appeal will not be taken into consideration.
The Disciplinary Commission immediately upon receipt of the response to the appeal or the expiration of the deadline for providing the response to the appeal submits the case files to the Council.

Q216 (2024) According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND COURT PRESIDENTS ("Official Gazette of RS", No. 24/2024) Decision of the Disciplinary Commission
Article 40
The Disciplinary Commission makes a decision in the form of a resolution.
Disciplinary commission by decision:
- rejects the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings;
- approves the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings, declares the judge, i.e. the president of the court responsible for a disciplinary offense and imposes an appropriate disciplinary measure on him.
The Disciplinary Commission will suspend the procedure by decision if:
- Disciplinary prosecutor in the course of the procedure abandons the proposal for conducting the disciplinary procedure;
- the judge, that is, the president of the court against whom the proceedings are being conducted, ceases to be a judge;
- the disciplinary procedure became obsolete;
- the properly summoned Disciplinary Prosecutor does not attend the hearing without a valid reason (Article 34, paragraph 2).
Content of the decision of the Disciplinary Commission
Article 41
The decision of the Disciplinary Commission from Article 40 of this rulebook contains:
1) name and surname of the president and members of the Disciplinary Commission and recorder;
2) names of parties to the proceedings and attorneys;
3) date and place of decision making;
4) the decision to reject the proposal for conducting disciplinary proceedings, i.e. the decision declaring the judge, i.e. the president of the court responsible for the disciplinary offense committed, the factual description and legal qualification of the disciplinary offense and the disciplinary measure imposed on him or the decision suspending the proceedings;
5) explanation;
6) decision on the costs of the procedure;
7) signature of the president of the Disciplinary Commission;
8) instruction on legal remedy.
Within eight days from the date of publication of the decision, the Disciplinary Commission prepares a written copy of the decision and delivers it to the Disciplinary Prosecutor, the judge and his attorney, that is, the president of the court and his attorney.Appeal against the decision of the Disciplinary Commission

Q241 (General Comment): The Law on Judges ("Official Gazette of RS", No. 10/2023)
Decisions of the Disciplinary Commission
Article 104
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted, may appeal to the High Council of the Judiciary, within eight days from the date of delivery of the decision.

Q242 (2024) According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND COURT PRESIDENTS (Official Gazette of RS, No. 24/2024) Article 42

Against the decision of the Disciplinary Commission, the Disciplinary prosecutor, the judge and his attorney, that is, the president of the court and his attorney, may file an appeal with the Council within eight days from the date of delivery of the decision.

A complaint can be filed:

1) due to violations of procedural rules that could have an impact on the adoption of a legal and proper solution;

2) due to wrongly or incompletely established factual situation;

3) due to incorrect application of substantive law;

4) due to the decision on the pronounced disciplinary measure.

Content of the complaint

Article 43

The complaint must contain:

1) designation of the decision against which the appeal is filed;

2) a statement that the decision is disputed in its entirety or in a certain part;

3) the reason for the appeal;

4) signature of the person making the complaint.

In the appeal, new facts and new evidence may be presented only if the appellant makes it probable that he could not present them, or propose them during the first instance disciplinary proceedings, through no fault of his own.

Response to the appeal

Article 44

The complaint with attachments is submitted to the opposing party, who can submit an answer to the complaint within three days of receiving the complaint. An untimely response to the appeal will not be taken into consideration.

The Disciplinary Commission shall deliver the case file to the Council immediately upon receipt of the response to the appeal or the expiration of the deadline for providing the response to the appeal.

Second degree disciplinary proceedings before the Council

Article 45

The council decides on the appeal, as a rule, without discussion. The President of the Council appoints a reporter from among the elected members of the Council. The reporter gives a brief description of the procedure and facts without stating the merits of the appeal, after which the Council makes a decision. The Council can invite the judge, or the

Q241 (2023): The Law on Judges ("Official Gazette of RS", No. 10/2023)
Decisions of the Disciplinary Commission
Article 104
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted may appeal to the High Council of the Judiciary, within eight days from the date of delivery of the decision.
Q241 (2022): Article 36 of the Rulebook on determining the disciplinary responsibility of judges and presidents of courts

2. Immovability of the judge

A term

Article 18

A judge has the right to perform judicial function permanently in the court for which he was elected, except in the case prescribed by the Constitution and this law.

Only with his consent can a judge be permanently transferred or temporarily referred from one court to another, or referred to the High Council of the Judiciary, the ministry responsible for justice, the Judicial Academy or an international organization in the field of justice.

Consent is given in written form and must precede the adoption of a decision on permanent transfer, temporary assignment or assignment.

Permanent relocation

Article 19

A judge may, with his written consent, be permanently transferred to another court of the same type and of the same or lower degree, if there is a need to urgently fill a vacant judge position, which cannot be solved by the election or temporary assignment of a judge, with the consent of the president of both courts.

As an exception to paragraph 1 of this article, a judge may be permanently transferred to another court without his written consent in the event of the abolition of the court or the abolition of the majority of the jurisdiction of the court for which he was elected.

The majority of the court's jurisdiction is revoked if the necessary number of judges in the court is reduced due to a change in the substantive jurisdiction of the court, the establishment of a new court or a change in the area in which the court exercises jurisdiction.

In the case referred to in paragraph 2 of this article, a judge may be permanently transferred only to a court of the same level that takes over the jurisdiction of a court that has been abolished or to which the majority of its jurisdiction has been abolished.

If the jurisdiction of the abolished court was taken over by two or more courts, i.e. the predominant jurisdiction of the court was taken over by one or more courts, when making a decision on the permanent transfer of a judge, the High Council of the Judiciary takes into account the residence of the judge, the length of the judge's service and the type of work that the judge performed.

The judge permanently continues to perform the function of judge in the court to which he was transferred.

The decision on permanent transfer is made by the High Council of the Judiciary.

Against the decision on permanent transfer, the judge can file an appeal with the Constitutional Court, which excludes the right to submit a constitutional appeal, within 30 days from the date of receipt of the decision.

Temporary referral to another court

Article 20

A judge is temporarily referred to another court where the lack, impediment, exclusion of judges or other reasons make the work of the court difficult.

2. Immovability of the judge
A term
Article 18
A judge has the right to perform judicial function permanently in the court for which he was elected, except in the case prescribed by the Constitution and this law.
Only with his consent can a judge be permanently transferred or temporarily referred from one court to another, or referred to the High
Council of the Judiciary, the ministry responsible for justice, the Judicial Academy or an international organization in the field of justice.
Consent is given in written form and must precede the adoption of a decision on permanent transfer, temporary assignment or assignment.
Permanent relocation
Article 19
A judge may, with his written consent, be permanently transferred to another court of the same type and of the same or lower degree, if there is a need to urgently fill a vacant judge position, which cannot be solved by the election or temporary assignment of a judge, with the consent of the president of both courts.
As an exception to paragraph 1 of this article, a judge may be permanently transferred to another court without his written consent in the event of the abolition of the court or the abolition of the majority of the jurisdiction of the court for which he was elected.
The majority of the court's jurisdiction is revoked if the necessary number of judges in the court is reduced due to a change in the substantive jurisdiction of the court, the establishment of a new court or a change in the area in which the court exercises jurisdiction. In the case referred to in paragraph 2 of this article, a judge may be permanently transferred only to a court of the same level that takes over the jurisdiction of a court that has been abolished or to which the majority of its jurisdiction has been abolished.
If the jurisdiction of the abolished court was taken over by two or more courts, i.e. the predominant jurisdiction of the court was taken over by one or more courts, when making a decision on the permanent transfer of a judge, the High Council of the Judiciary takes into account the residence of the judge, the length of the judge's service and the type of work that the judge performed.
The judge permanently continues to perform the function of judge in the court to which he was transferred.
The decision on permanent transfer is made by the High Council of the Judiciary.
Against the decision on permanent transfer, the judge can file an appeal with the Constitutional Court, which excludes the right to submit a constitutional appeal, within 30 days from the date of receipt of the decision. Temporary referral to another court
Article 20
A judge is temporarily referred to another court where the lack, impediment, exclusion of judges or other reasons make the work of the court difficult.
A judge may be temporarily assigned only to another court of the same type and of the same or immediately lower level, for a maximum of one year, without the possibility of temporary assignment to the same court again.

2. Immovability of the judge
A term
Article 18
A judge has the right to perform judicial function permanently in the court for which he was elected, except in the case prescribed by the Constitution and this law.
Only with his consent can a judge be permanently transferred or temporarily referred from one court to another, or referred to the High Council of the Judiciary, the ministry responsible for justice, the Judicial Academy or an international organization in the field of justice.
Consent is given in written form and must precede the adoption of a decision on permanent transfer, temporary assignment or assignment.
Permanent relocation
Article 19
A judge may, with his written consent, be permanently transferred to another court of the same type and of the same or lower degree, if there is a need to urgently fill a vacant judge position, which cannot be solved by the election or temporary assignment of a judge, with the consent of the president of both courts.
As an exception to paragraph 1 of this article, a judge may be permanently transferred to another court without his written consent in the event of the abolition of the court or the abolition of the majority of the jurisdiction of the court for which he was elected.
The majority of the court's jurisdiction is revoked if the necessary number of judges in the court is reduced due to a change in the substantive jurisdiction of the court, the establishment of a new court or a change in the area in which the court exercises jurisdiction.
In the case referred to in paragraph 2 of this article, a judge may be permanently transferred only to a court of the same level that takes over the jurisdiction of a court that has been abolished or to which the majority of its jurisdiction has been abolished.
If the jurisdiction of the abolished court was taken over by two or more courts, i.e. the predominant jurisdiction of the court was taken over by one or more courts, when making a decision on the permanent transfer of a judge, the High Council of the Judiciary takes into account the residence of the judge, the length of the judge's service and the type of work that the judge performed.
The judge permanently continues to perform the function of judge in the court to which he was transferred.
The decision on permanent transfer is made by the High Council of the Judiciary.
Against the decision on permanent transfer, the judge can file an appeal with the Constitutional Court, which excludes the right to submit a constitutional appeal, within 30 days from the date of receipt of the decision.
Temporary referral to another court
Article 20
A judge is temporarily referred to another court where the lack, impediment, exclusion of judges or other reasons make the work of the court difficult.

Q242 (2021): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred with his/her consent to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. The High Judicial Council, in 2021 passed 10 decisions on the transfer of judges, as follows: 5 decisions on the transfer of basic court judges, 1 decision on the transfer of judge of higher court, 3 decisions on the transfer of misdemeanor court judged, and 1 decision on the transfer of commertial court judge. Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type and same or directly lower instance for a period no longer than one year. Exceptionally, a judge may be assigned to an immediately superior court if meeting the statutory requirements for election as a judge of the court to which he/she is assigned. A judge is assigned to court in which the lack, absence, or recusal of judges or other reasons impede or slow down the work of the court. The High Judicial Council in 2021 passed 13 decisions on the assignment of a judge to another court, 4 decisions on the assignment of a judges to the appellate courts, 3 decisions on the assignment of a judges to basic courts, and 6 decisions on the assignment of misdemeanor court judges to work in the Panel.

ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
This Law regulates the jurisdiction of the Ministry of Justice and the High Prosecutorial Council in terms of Supervision over the implementation of the Act on Administration in the Public Prosecutor's Office. The Ministry of Justice has limited power over the questions regulated by the Act on Administration in the Public Prosecutor's Office regarding supervision. If the deficiencies are not eliminated within the set deadlines, the supervising authority, in this case, the Ministry of Justice, will file a disciplinary report against the chief public prosecutor of the supervised public prosecution.
Disciplinary action
Article 119
Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.
Supervision over the implementation of the Act on Administration in the Public Prosecutor's Office
Article 46
Supervision over the implementation of the act on administration in the public prosecutor's office is carried out by the High Council of Prosecutors and the ministry responsible for justice.
The High Council of the Prosecution supervises the implementation of the Act on Administration in the Public Prosecution in connection with the tasks referred to in Article 45, paragraph 1, point. 1)-6) and 13), of this law, and the ministry responsible for justice in connection with the affairs from Article 45, paragraph 1, point. 8), 10) and 14) of this law.
The High Prosecution Council and the Ministry responsible for justice jointly supervise the implementation of the Act on Administration in the Public Prosecutor's Office in connection with the tasks referred to in Article 45, paragraph 1, point. 7), 9), 11), 12) and 15) of this law.

Q243 (2024): According to the RULES ON DISCIPLINARY BODIES OF THE HIGH PROSECUTOR'S COUNCIL AND DISCIPLINARY PROCEEDINGS ("Official Gazette of the Republic of Serbia", No. 33/2024), the initiation and conduct of disciplinary proceedings is provided for in Article 26 and stipulates that
Disciplinary proceedings are initiated by the Disciplinary Prosecutor by submitting a proposal for conducting disciplinary proceedings (hereinafter: Proposal) to the Commission, based on a submitted disciplinary report or ex officio.
The Disciplinary Prosecutor may withdraw the Proposal until the Commission has made a decision.
The Disciplinary Prosecutor may not submit a new Proposal based on the same facts.
The Disciplinary Commission may not decide outside the Proposal of the Disciplinary Prosecutor.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office against whom the disciplinary proceedings are being conducted requests that the proceedings be public.
Disciplinary proceedings do not constitute an obstacle to conducting other proceedings against the holder of the public prosecutor's office.

ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
This Law regulates the jurisdiction of the Ministry of Justice and the High Prosecutorial Council in terms of Supervision over the implementation of the Act on Administration in the Public Prosecutor's Office. The Ministry of Justice has limited power over the questions regulated by the Act on Administration in the Public Prosecutor's Office regarding supervision. If the deficiencies are not eliminated within the set deadlines, the supervising authority, in this case, the Ministry of Justice, will file a disciplinary report against the chief public prosecutor of the supervised public prosecution.
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Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.
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The High Council of the Prosecution supervises the implementation of the Act on Administration in the Public Prosecution in connection with the tasks referred to in Article 45, paragraph 1, point. 1)-6) and 13), of this law, and the ministry responsible for justice in connection with the affairs from Article 45, paragraph 1, point. 8), 10) and 14) of this law.
The High Prosecution Council and the Ministry responsible for justice jointly supervise the implementation of the Act on Administration in the Public Prosecutor's Office in connection with the tasks referred to in Article 45, paragraph 1, point. 7), 9), 11), 12) and 15) of this law.
Q243 (2022): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor
Q243 (2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor

Q244 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Disciplinary action
Article 119
Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.

Q14 (2024): According to the RULES ON DISCIPLINARY BODIES OF THE HIGH PROSECUTORIAL COUNCIL AND DISCIPLINARY PROCEEDINGS ("Official Gazette of the Republic of Serbia", No. 33/2024) Powers of the Disciplinary Commission

Article 31

In the procedure for determining the disciplinary liability of the holder of the public prosecutorial function, the Commission may:

1) reject the Proposal as unfounded;

2) adopt the Proposal, declare the holder of the public prosecutorial function responsible for the committed disciplinary offense and impose a disciplinary measure on him/her;

3) suspend the procedure if:

- The disciplinary prosecutor withdraws the Proposal during the procedure;
- the public prosecutorial function of the holder of the public prosecutorial function against whom the procedure is being conducted ceases or
- the statute of limitations for conducting disciplinary proceedings has expired.

The Commission shall make a decision within 15 days of the conclusion of the hearing and shall submit it to the Disciplinary Prosecutor and the holder of the public prosecutorial function whose disciplinary liability is being determined, or to his or her authorized representative.

The Commission shall submit a final decision to the Council for entry in the personal file of the holder of the public prosecutorial function.

If the Commission decides not to initiate proceedings to determine the reasons for the dismissal of the holder of the public prosecutorial function who has been declared liable for a serious disciplinary offence by the Commission's decision, it shall notify the Council of that decision.

Decision-making method of the Disciplinary Commission

Article 32

Decisions of the Commission shall be made by a majority vote of the members of the Commission, of which a special record shall be drawn up and signed by all members of the Commission.

Decisions of the Commission shall be drawn up in the form of a resolution, within 15 days of the date of adoption.

A dissenting opinion of a member of the Commission shall be noted in the minutes of deliberation and voting.

The decision establishing that the holder of the public prosecutor's office is liable for a disciplinary offence shall contain:

1) an introduction, which shall include: the composition of the Commission, the names of the parties and their attorneys, the subject matter of the proceedings and the date of the decision;

2) a factual description of the disciplinary offence;

3) the provisions of the Law and other laws and regulations applied in the disciplinary proceedings, as well as the legal qualification of the disciplinary offence;

4) the disciplinary measure imposed;

5) a decision on the costs of the disciplinary proceedings;

Q244 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Disciplinary action
Article 119
Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.

Q244 (2022): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

Q245 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The position of the holder of the public prosecutor's office in disciplinary proceedings
Article 121
The holder of the public prosecutor's office has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through an attorney.
The holder of the office of public prosecutor has the right to present his allegations orally before the Disciplinary Commission.
Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 22, Line 6: The prosecutor whose disciplinary liability is determined has the right to present his allegations orally before the Disciplinary Commission.
Article 24: The prosecutor whose disciplinary liability is determined has the right to:
- be informed about the reasons for initiating the procedure after checking the allegations of the disciplinary report by the Disciplinary Prosecutor;
- become familiar with the subject and accompanying documentation;
- to make a statement about the submitted and expanded Proposal;
- has a representative in all stages of the disciplinary procedure;
- requires that the discussion be public;

Q245 (2024): According to the RULES ON DISCIPLINARY BODIES OF THE HIGH PROSECUTORIAL COUNCIL AND DISCIPLINARY PROCEEDINGS ("Official Gazette of the Republic of Serbia", No. 33/2024) Rights of the holder of the public prosecutorial function whose disciplinary liability is being determined
Article 30
The holder of the public prosecutorial function whose disciplinary liability is being determined has the right to:
1) be informed of the reasons for initiating the procedure;
2) be familiarized with the case and evidence and to provide explanations and evidence for his allegations;
3) state his opinion on the submitted, amended or expanded Proposal;
4) have a proxy at all stages of the disciplinary procedure;
5) request that the hearing be public;
6) appeal the decision of the Disciplinary Commission.

Q245 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The position of the holder of the public prosecutor's office in disciplinary proceedings
Article 121
The holder of the public prosecutor's office has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through an attorney.
The holder of the office of public prosecutor has the right to present his allegations orally before the Disciplinary Commission.
Q246 (General Comment): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:
- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.
Q246-1 (General Comment): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:
- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.
Q248 (2022): Other: ban on promotion for period of 3 years
Q248 (2021): Other: ban on promotion in 3 years period
Q250 (General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Decision of the Disciplinary Commission
Article 122
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the holder of the public prosecutor's office against whom disciplinary proceedings are being conducted may file an appeal with the High Council of Prosecution, within eight days from the date of delivery of the decision.

Q251 (General Comment): High prosecutorial Concil

Serbia", No. 33/2024) Appeal

Article 34

Against the decision of the Commission, the Disciplinary Prosecutor and the holder of the public prosecutor's office against whom disciplinary proceedings are being conducted may file an appeal with the Council, within eight days from the date of delivery of the decision.

The appeal shall contain:

1) the number and date of the Commission's decision against which the appeal is being filed;

2) the grounds and reasons for the appeal;

3) a statement as to whether the decision is being contested in whole or in part;

4) signature.

The Commission shall submit the appeal together with the attachments to the other party in the proceedings for a response.

The party may, within three days from the date of receipt of the appeal, submit a response to the appeal to the Council.

Grounds for appeal

Article 35

A decision of the Commission may be challenged:

1) due to violations of procedural rules that could have affected the adoption of a lawful and correct decision;

2) due to erroneous or incomplete determination of the factual situation;

3) due to erroneous application of substantive law;

4) due to a decision on a disciplinary measure imposed.

Decisions of the Council upon appeal

Article 36

When deciding upon an appeal, the Council may reject the appeal as untimely, inadmissible or filed by an unauthorized person, confirm the first-instance decision of the Commission or modify the decision.

Method of decision-making by the Council

Article 37

After receiving the appeal, the President of the Council shall appoint a rapporteur from among the members of the Council who are elected from among the public prosecutors.

Decisions of the Council shall be made by a majority vote as prescribed in Article 20, paragraphs 2 and 3 of the Law on the High Prosecutorial Council.

The Minister responsible for justice may not vote in the appeal procedure.

Q251 (2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Decision of the Disciplinary Commission
Article 122
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the holder of the public prosecutor's office against whom disciplinary proceedings are being conducted may file an appeal with the High Council of Prosecution, within eight days from the date of delivery of the decision.
Q251 (2022): Appeal can be filed to the State Prosecutorial Council exclusively.

Kosovo*
Q156 (General Comment): NA
Q156 (2024): Regarding the compensation procedure for individuals unjustly deprived of liberty, this category—specifically the cases in which compensation is permitted—is regulated by Articles 525 and 529 of the Kosovo Code of Criminal Procedure. Among other provisions, compensation is granted to individuals who have been unjustly deprived of liberty in any form, and later:
The charges against them were dismissed,
They were acquitted by a final court decision, or
The investigation was terminated.
Additionally, Instruction 01/2023 on the compensation procedure for individuals wrongfully convicted or arrested establishes the compensation amounts:
House arrest: €15 per day
Pretrial detention: €25 per day
For material damage (lost earnings):
If the person was employed, the compensation is calculated based on the gross salary they earned before being deprived of liberty.
If the person was unemployed, the compensation is equivalent to the minimum gross wage in the Republic of Kosovo.
Furthermore, wrongfully detained individuals are entitled to compensation for family visit expenses and care packages, up to €100 per month.
After completing the administrative procedure before the relevant Commission, established by the Council, individuals may either:
Reach a compensation agreement with the Commission, or
If they disagree with the offered amount, either partially (e.g., accepting compensation only for material or non-material damages) or entirely, they may file a lawsuit before the competent court.
During 2024, a total of 227 compensation requests were submitted by parties to the Compensation Commission established by the KJC. Of these, 23 requests from 2023 and 227 requests from 2024 were compensated, making a total of 247 cases. The total compensation amount, based on court decisions, was €142,568.00.
Q156 (2022): The amount of 251 302 euro covers compensations for cases of Wrongful arrest / detention and Wrongful conviction.

Q156-1 (2024): The period within which the Compensation Commission should deal with the request is 3 months.
Q160 (2022): According to the Code of Criminal Procedure of Kosovo, party can request the dismissal of the judge as soon as he has learned about the existence of reasons for dismissal, and this request can be exercised directly in a court session or through a complaint, in cases where the judge may have a family relationship with any party in the procedure or when he suspects that the same cannot be impartial in the exercise of his function.
Q161 (General Comment): NA
Q161 (2024): In civil procedure, this matter is regulated by Article 68.1 of the Law on Contested Procedure, which states that a party must submit a request for the disqualification of a judge as soon as they become aware of any grounds for disqualification, but no later than the conclusion of the hearing on the case. If no hearing has taken place, the request must be submitted before the issuance of the meritorious decision.
In criminal procedure, this is regulated by Articles 39 and 40 of the Criminal Procedure Code. Article 39 stipulates that a judge must submit a request to the President of the Court if they determine that grounds for disqualification exist. Article 40 outlines the parties' right to request the disqualification of judges.
The number provided includes cases which the party, or the judge has requested recusal of the judge from the case.
Q162 (General Comment): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states:
"It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case."

Q162 (2024): Article 4 of Law on State Prosecutor
Independence and Impartiality of State Prosecutor
1. The State Prosecutor is an independent institution that exercises its functions in an impartial manner.
2. The State Prosecutor and each prosecutor ensures equal, objective and unbiased treatment for all persons before the law, without any discrimination, by respecting the fundamental human rights and freedoms determined by the Constitution, legislation into force and international conventions.
3. It shall be unlawful for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding or case.

Q162 (2023): Article 4 of Law on State Prosecutor
Independence and Impartiality of State Prosecutor
1. The State Prosecutor is an independent institution that exercises its functions in an impartial manner.
2. The State Prosecutor and each prosecutor ensures equal, objective and unbiased treatment for all persons before the law, without any discrimination, by respecting the fundamental human rights and freedoms determined by the Constitution, legislation into force and international conventions.
3. It shall be unlawful for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding or case.
Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.

Q162 (2022): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states: “It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.

Q162-0 (General Comment): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution and by law.
Q162-0 (2024): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.
Q162-0 (2023): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.
Q162-0 (2022): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution (Articles 109-110), the Law on State Prosecution (Article 3), and the Law on the Kosovo Prosecutorial Council (Articles 3-4).
Q162-0 (2021): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.

Q162-1 (General Comment): Article 20 of Law on State Prosecutor
Competences and Responsibilities of the Chief State Prosecutor
1 The Chief State Prosecutor is the head of the Office of the State Prosecutor and has these competencies and responsibilities:
1.6. issues in writing mandatory rules, instructions and general decisions for all chief prosecutors and prosecutors in order to implement legality, increase efficiency and unique implementation of practices and legislation;
1.9. may give written guidelines to the Chief Prosecutor of a prosecution office or to any prosecutor of any prosecution office for the specific work, for the purpose of efficient development of the proceedings or other important reasons, when he considers that there is negligence, professional incompetence or failure to implement legality. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors;
Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.
Q162-1 (2021): Article 23 of Law on State Prosecutor
Immunity
1. Prosecutors shall be immune from prosecution, civil lawsuit and dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities.
2. Prosecutors shall not enjoy immunity and may be removed from office if they have committed an intentional violation of the law.
3. When a prosecutor is indicted or arrested, he or she shall immediately give notice to the Chief State Prosecutor without delay.

Q162-3 (General Comment): Article 20 of Law on State Prosecutor
Competences and Responsibilities of the Chief State Prosecutor
1 The Chief State Prosecutor is the head of the Office of the State Prosecutor and has these competencies and responsibilities:
1.6. issues in writing mandatory rules, instructions and general decisions for all chief prosecutors and prosecutors in order to implement legality, increase efficiency and unique implementation of practices and legislation;
1.9. may give written guidelines to the Chief Prosecutor of a prosecution office or to any prosecutor of any prosecution office for the specific work, for the purpose of efficient development of the proceedings or other important reasons, when he considers that there is negligence, professional incompetence or failure to implement legality. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors;
Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.

Q162-5 (General Comment): Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.
Q164 (General Comment): NA
Q164 (2024): Article 102, paragraphs 2 and 4 of the Constitution of Kosovo state that:
The judicial power is unified, independent, fair, apolitical, and impartial, ensuring equal access to the courts.
Judges, in the exercise of their functions, must be independent and impartial.
Additionally, according to Article 4, paragraphs 1 and 2 of Law No. 06/L-054 on Courts:
The courts established under this law adjudicate in accordance with the Constitution of the Republic of Kosovo and the laws in force in the Republic of Kosovo.
Judges, in the exercise of their functions and in making decisions, shall be independent, impartial, and free from any influence by any natural or legal person, including public authorities.

Q164 (2022): The independence of judges is guaranteed in the Constitution of Kosovo, Article 102 [General Principles of the Judicial System]. It stipulates: The judicial power is unique, independent, fair, apolitical and impartial and ensures equal access to the courts. Also fourth paragraph ascertains that judges shall be independent and impartial in exercising their functions. The Law on Courts, Article 4: "Independence and Impartiality of the Courts" 1. The Courts established by this Law shall adjudicate in accordance with the Constitution of the Republic of Kosovo and the applicable Laws in the Republic of Kosovo.
2. Judges while exercising their function and taking decisions shall be independent, impartial, uninfluenced in any way by any natural or legal person, including public bodies.

Q171 (2021): For the 30 completed cases, 29 cases were with dismissal of criminal report and 1 case termination of investigation.
Q173 (2022): Every year
Code of ethics: https://www.gjyqesori-rks.org/wp-content/uploads/lgsl/Kodi%20Etikes%20Profesionale%20per%20gjyqtar.pdf
Q177 (General Comment): NA
Q177 (2024): The KJC has established the Advisory Committee on Judicial Ethics, where all judges have the right to seek opinions on issues related to ethics.
Q177 (2022): KJC has approved the Code of Ethics for Judges, which contains guidelines and rules of conduct for judges
Q178 (2024): This Committee will assist judges by providing information and advice on ethical questions or issues identified for interpretation in relation to the Code of Professional Ethics for Judges and the Law on Disciplinary Procedure for Judges and Prosecutors.
The Committee will serve as a platform where judges can seek guidance on how to handle future situations or behaviors that may be considered contrary to the Code of Professional Ethics for Judges.
The work of the Committee and the disciplinary process are separate and independent from each other. The opinions of the Advisory Committee on Judicial Ethics are given regarding future situations or behaviors that may be considered contrary to the Code of Professional Ethics for Judges, as opposed to the disciplinary process, which involves investigations and possible hearings to review and resolve complaints about alleged unethical conduct of judges in the past.
Q178 (2021): Please refer to the previous question.
Q178-1 (2024): 1 opinion and 2 answers
Q179 (General Comment): NA

Q179 (2024): During 2024 KPC has established an Advisory Committee on Ethics Issues.
1. The Commission is tasked with providing consistent opinions to prosecutors on ethical questions or dilemmas.
2. The work of the Commission and the disciplinary process are separate and independent from each other. The Commission's opinions are given regarding future situations or conduct that may be considered contrary to the Code of Ethics, as opposed to the disciplinary process, which includes investigations and possible hearings that review and resolve complaints about alleged unethical conduct of prosecutors in the past.
3. The Commission's opinions are not binding, but may be taken into account in determining the degree of responsibility for ethical violations.
1. The prosecutors who will serve on the Commission shall be elected by the Council.
2. The Commission shall consist of three (3) members, two (2) of whom shall be proposed by the Office of Chief State Prosecutor and one (1) member shall be proposed by the Appellate Prosecutor's Office, while the two reserve members shall be proposed: one (1) by the Office of Chief State Prosecutor and one (1) by the Appellate Prosecutor's Office.
5. Members to serve on this Commission must meet the following criteria:
5.1. have a high professional reputation;
5.2. have high moral integrity and professional ethics;
5.3. not be currently the subject of a disciplinary investigation; and
5.4. not have been subject to a disciplinary sanction within the last five (5) years.
Their mandate in this Commission is 3 years with a possibility for re-election for 1 more term.

Q181 (2024): There are no opinions published yet because this is a newly established body and there are no opinions provided yet. However, such opinions, when offered, will be published.

Q222 (**General comment**): According to the Law on disciplinary liability of judges and prosecutors, Article 6:

1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the "Competent Authority"):

1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;

1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;

1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;

1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;

1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;

1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.

2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.

3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.

4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:

4.1. the identity of the natural or legal person who submits the complaint;

4.2. the identity of the judge or prosecutor who shall be the subject of investigation;

4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.

5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.

6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.

7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.

Link on the law: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336 Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.

Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

Q182 (2024): Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.
According to Article 9 of this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.
• The Chief State Prosecutor regarding the alleged violations of any Chief Prosecutor
• Chief Prosecutors of the Prosecution regarding the alleged violations of any prosecutor of that Prosecution
• The Prosecutorial Council regarding the alleged violations of the Chief State Prosecutor
Natural and legal persons can also file complaints against prosecutors with the Ombudsman.
In cases when the complaint is grounded and contains elements of a criminal offense, the competent authority must forward the case to the prosecutor's office and notify the Council and the Ombudsman.
Within 15 working days from the receipt of the request for initiation of disciplinary investigations, the Council must establish the investigative panels. Investigative panels are tasked with securing the facts and gathering evidence regarding the alleged disciplinary violation. After this procedure (it is explained in more detail in the Law) the panel sends the report to the Council, where the latter holds a hearing and decides whether the alleged disciplinary violation has been committed or not. If it is decided that there is a disciplinary violation, a disciplinary measure is imposed on that prosecutor according to this Law.
Article 5 of the Law on Disciplinary Liability of Judges and Prosecutors provides violations by judges, which includes impartiality and corruption. Whereas, Article 9 of this Law provides that: Natural and legal persons may file a complaint against a judge or prosecutor regarding any alleged disciplinary violation with the following authorities (hereinafter referred to as the “Competent Authority”):
1.1. The President of the Basic Court and the Court of Appeals where the judge serves, concerning allegations of disciplinary violations by that judge;
1.2. The President of the Supreme Court, concerning allegations of disciplinary violations by Presidents of the Basic Courts and the President of the Court of Appeals;
1.3. The Kosovo Judicial Council, concerning allegations of disciplinary violations by the President of the Supreme Court.
Legal and natural persons may file a complaint against a judge or a prosecutor to the Ombudsman as well. The Ombudsman fowards the case to the Competent Authority. If the alleged violation has elements of a criminal offence, the competent authority hands over the case to the Prosecution. Additionally, The Competent Authority requests the Council to initiate disciplinary investigations based on a complaint submitted by a natural or legal person that has not been dismissed under Article 9, Paragraph 6 of this Law, or ex officio when there is reasonable ground to believe that a judge or prosecutor has committed a disciplinary violation.
The Ombudsperson may request the Council to initiate disciplinary investigations against a Court President or Chief Prosecutor if they have reason to believe that he/she has committed a disciplinary violation under Article 9, Paragraph 7 of this Law. In the event of a complaint being accepted, the Ombudsperson may also request the Council to initiate disciplinary investigations against a judge or prosecutor if it is deemed that the Competent Authority has made a decision to dismiss the complaint against that judge or prosecutor in violation of Article 9, Paragraph 5. In such a case, the Ombudsperson must provide justification as to why the complaint should not have been dismissed.
Link to the law: https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18336

Q132 (2023): According to the Law on disciplinary liability of judges and prosecutors, Article 9
1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the "Competent Authority"):
1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.
2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.
3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.
4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:
4.1. the identity of the natural or legal person who submits the complaint;
4.2. the identity of the judge or prosecutor who shall be the subject of investigation;
4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.
5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.
6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.
7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.
Link on the law: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336 Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.
Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

Q132 (2022) According to the Law on disciplinary liability of judges and prosecutors, Article 6:
1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the "Competent Authority"):
1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.
2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.
3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.
4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:
4.1. the identity of the natural or legal person who submits the complaint;
4.2. the identity of the judge or prosecutor who shall be the subject of investigation;
4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.
5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.
6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.
7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.
Link on the law: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336 Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.
Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

Q182 (2021): Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.
Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.
• The Chief State Prosecutor regarding the alleged violations of any Chief Prosecutor
• Chief Prosecutors of the Prosecution regarding the alleged violations of any prosecutor of that Prosecution
• The Prosecutorial Council regarding the alleged violations of the Chief State Prosecutor
Natural and legal persons can also file complaints against prosecutors with the People's Advocate.
In cases when the complaint is grounded and contains elements of a criminal offense, the competent authority must forward the case to the prosecutor's office and notify the Council and the People's Advocate.
Within 15 working days from the receipt of the request for initiation of disciplinary investigations, the Council must establish the investigative panels. Investigative panels are tasked with securing the facts and gathering evidence regarding the alleged disciplinary violation. After this procedure (it is explained in more detail in the Law) the panel sends the report to the Council, where the latter holds a hearing and decides whether the alleged disciplinary violation has been committed or not. If it is decided that there is a disciplinary violation, a disciplinary measure is imposed on that prosecutor according to this Law.

Q185-1 (2024): In the question: Conflict of interest declared by the judge or by the parties. This includes data on requests for recusal submitted by the judge themselves or by a party.
In the question: recusal of the judge or requested by the parties. The data is presented together in the conflict of interest question.
The category other includes:
Balancing: This includes data on reassigned cases, specifically when cases are taken from judges with a higher caseload and reassigned to judges with fewer cases. 2031 cases
Assignment/reallocation of cases to a new judge. These are cases that have been reassigned to newly appointed judges when they start their judicial duties. It includes cases taken from other judges and reassigned to new judges. 13951
Reassignment due to the nature of the case. These are cases reassigned by the President of the Court due to their special nature. For example, if a complex case is initially assigned to a new or untrained judge in that field. 2771
Suspension of the judge. These are cases that have been reassigned due to the suspension of a judge. 1 case
Retirement of the judge. These are cases that have been reassigned due to the retirement of a judge. 2464
Other: These are cases that have been reassigned at the request of the Kosovo Judicial Council (KGJK) during 2024 to balance the workload among judges. In 2024, KGJK requested that courts reassign cases to ensure an approximately equal distribution of caseloads among judges.41635 cases
Q192 (2021): Same as the previous cycle form
Q193 (General Comment): Other items as described in the form of Declaration of Assets
Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or natural person. Law on declaration, origin and control of assets and gifts, Articles 6 and 25.
Q193 (2024): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.
Q193 (2023): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.
Q193 (2022): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.

Q194 (General Comment): According to the Article 7 of the Law on declaration of assets:
The declaration of assets by the declaring entities is made in the following cases:
1.1. declaration upon assumption of duty;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.
Other: at the request by the Anti-Corruption Agency
Q194 (2024): According to the Article 7 of the Law on declaration of assets:
The declaration of assets by the declaring entities is made in the following cases:
1.1. declaration upon assumption of duty;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.
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1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.
Q194 (2022): According to the Article 7 of the Law on declaration of assets:
The declaration of assets by the declaring entities is made in the following cases:
1.1. declaration upon assumption of duty;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.

Q195 (General Comment): According to Article 14 of the Law on Declaration of Assets:
Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.
2.The family members for whom the declaring entity declares the assets, are as follows:
2.1. spouse;
2.2. extramarital spouse;
2.3. parents; and
2.4. children.
Other family members: parents who live in the same household
Regarding children, the declaration concerns children with whom he/she lives in the same household
Q195 (2024): According to Article 14 of the Law on Declaration of Assets:
Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.
2.The family members for whom the declaring entity declares the assets, are as follows:
2.1. spouse;
2.2. extramarital spouse;
2.3. parents; and
2.4. children.
Q195 (2023): According to Article 14 of the Law on Declaration of Assets:
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2.2. extramarital spouse;
2.3. parents; and
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Q195 (2022): According to Article 14 of the Law on Declaration of Assets:
Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.
2.The family members for whom the declaring entity declares the assets, are as follows:
2.1. spouse;
2.2. extramarital spouse;
2.3. parents; and
2.4. children.
Q198 (General Comment): The Agency verifies the content of each asset declaration. "Unexplained financial discrepancies ": article 18 § 11 of the Law on declaration, origin and control of assets and gifts refers to the control of discrepancies in the data of the assets from the previous year. Besides, § 2 of article 18 specifies that the control of the declarations implies also checking data against information from previous forms.
Q199 (2024): In the Agency for Prevention of Corruption

Q200 (General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal database of the Agency

Q201 (General Comment): According to the Law on declaration, origin and control of assets and gifts, Article 28:
The Agency is competent to impose punitive measure against the declaring entities in the following cases:
1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
1.3. failure to file the regular annual declaration of assets upon termination of the mandate
under Article 10 of this Law;
1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.
3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.
4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.
5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code:
Article 430
Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations
1. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who fails to do so, shall be punished by a fine or by imprisonment of up to three (3) years. The offense in paragraph 1. of this Article is deemed committed when the deadline for filing the declaration has passed and no report has been filed.
2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.
3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.
Q201 (2024): For a delay in declaration, a fine of 30% of the payment is imposed.
For inaccuracies up to 3,000 euros, a warning is issued.
For inaccuracies exceeding 3,000 euros, a criminal complaint is prepared.

Q201 (2023): According to the Law on declaration, origin and control of assets and gifts, Article 28:
The Agency is competent to impose punitive measure against the declaring entities in the following cases:
1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
1.3. failure to file the regular annual declaration of assets upon termination of the mandate
under Article 10 of this Law;
1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.
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4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.
5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code:
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2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.
3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

Q201 (2022): According to the Law on declaration, origin and control of assets and gifts, Article 28:
The Agency is competent to impose punitive measure against the declaring entities in the following cases:
1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
1.3. failure to file the regular annual declaration of assets upon termination of the mandate
under Article 10 of this Law;
1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.
3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.
4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.
5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code:
Article 430
Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations
1. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who fails to do so, shall be punished by a fine or by imprisonment of up to three (3) years. The offense in paragraph 1. of this Article is deemed committed when the deadline for filing the declaration has passed and no report has been filed.
2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.
3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.
Q202 (2024): There has been only one case where a judge was sanctioned with a fine for delayed reporting.
Q205 (2022): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172
Q205 (2021): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172
Q206 (General Comment): Article 6 of the Law on declaration, origin and control of assets and gifts.
Q206 (2023): Article 6 of the Law on declaration, origin and control of assets and gifts

Q207 (General Comment): Article 7 of the Law on declaration, origin and control of assets and gifts.
"Other": Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal.

Q207 (2024): The declaration of assets by the declaring entities shall be made on the occasion as follows:
1.1. declaration when taking office;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office
Q207 (2023): The declaration of assets by the declaring entities shall be made on the occasion as follows:
1.1. declaration when taking office;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office

Q207 (2021): Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal
Q208 (General Comment): Article 14 of the Law on declaration, origin and control of assets and gifts.
Other family members:
Parents who live in the same household
Adult children who live in the same household
Q213 (General Comment): It is published on the website of the Anti-Corruption Agency and also in the internal database of the Agency
Q213 (2024): In the webpage of the Agency for Prevention of Corruption
Q213 (2021): Anti corruption agency web page
Q214 (General Comment): According to Article 430 of the Criminal Code “Failure to report or falsely report assets, income, gifts, other material benefits or financial obligations 1. Any person who by law is obliged to declare assets, income, gifts, other property benefit or financial obligations, and who does not do so, is punished by a fine or by imprisonment of up to three (3) years. The criminal offense from paragraph 1. of this Article is considered to have been committed when the statement is not submitted within the deadline for submission of the statement. "

Q214 (2022): According to Article 430 of the Criminal Code “Failure to report or falsely report assets, income, gifts, other material benefits or financial obligations 1. Any person who by law is obliged to declare assets, income, gifts, other property benefit or financial obligations, and who does not do so, is punished by a fine or by imprisonment of up to three (3) years. The criminal offense from paragraph 1. of this Article is considered to have been committed when the statement is not submitted within the deadline for submission of the statement. "
Q214 (2021): According to Article 430 of the Criminal Code “Failure to report or falsely report assets, income, gifts, other material benefits or financial obligations 1. Any person who by law is obliged to declare assets, income, gifts, other property benefit or financial obligations, and who does not do so, is punished by a fine or by imprisonment of up to three (3) years. The criminal offense from paragraph 1. of this Article is considered to have been committed when the statement is not submitted within the deadline for submission of the statement. "

Q217 (General Comment): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Agency for Prevention of Corruption is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. Article 20, par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function stipulates that: Institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.

Q217 (2024): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Agency for Prevention of Corruption is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.
Additionally, this law in Article 5, paragraph 1, point 1.3, defines as a disciplinary violation cases where a judge breaches their duties, whether committed intentionally or through gross negligence. Furthermore, point 2.6 classifies as a violation of this nature the failure of a judge to report possible disqualification cases from a procedure when required by law.
Additionally, the procedures related to complaints, investigations, and disciplinary proceedings are regulated under Chapter III of Law No. 06/L-057 on the Disciplinary Responsibility of Judges and Prosecutors.
For more details, you can access the law through the following link: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336.
Q217 (2023): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.
Q218 (2024): Based on Law No. 06/L-054 on Courts:
Judges, with prior approval from the Council, have the right to participate in professional organizations and scientific meetings that promote judicial independence and protect the professional interests of judges.
Judges, with the approval of Court Presidents, and Court Presidents with the approval of the Council, may participate in activities outside of working hours, provided these activities comply with the Code of Ethics and Professional Conduct for Judges.
In accordance with the provisions of the Code of Ethics and Professional Conduct for Judges, judges may engage in professional and scientific writing. However, they are not permitted to publish the relevant content of judicial case files during or after their judicial tenure unless expressly allowed by law or a bylaw issued by the Council.
For the activities outlined in this article, judges may receive compensation, which must not exceed twenty-five percent (25%) of their base salary. Judges must notify the Court President of such compensation, while Court Presidents must inform the Council.

Q220 (2024): For a judge, the approval of the respective Court President is required, whereas for the Court President, the approval of the KJC (Kosovo Judicial Council) is needed.

Administrative Procedures of the Agency in Cases of Conflict of Interest

1. The procedure shall begin at the Agency:

1.1. ex officio;

1.2. at the request of a senior official;

1.3. at the request of the official and following the approval by the employing institution;

1.4. at the request of the institution;

1.5. on basis of reporting by another person or on basis of anonymous information.

2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.

3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.

4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.

5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.

6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.

7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.

8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.

9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.

10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.

11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.

12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.

Q222 (2022): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest. Article 22
Administrative Procedures of the Agency in Cases of Conflict of Interest
1. The procedure shall begin at the Agency:
1.1. ex officio;
1.2. at the request of a senior official;
1.3. at the request of the official and following the approval by the employing institution;
1.4. at the request of the institution;
1.5. on basis of reporting by another person or on basis of anonymous information.
2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.
3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.
4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.
5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.
6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.
7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.
8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.
9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.
10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.
11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.
12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.
Q226 (General Comment): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials
Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

Q226 (2024): LAW NO. 08/L-108 ON DECLARATION, ORIGIN AND CONTROL OF ASSETS AND GIFTS https://gzk.rks-gov.net/ActDetail.aspx?ActID=61304 Criminal Procedure Code https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=61759
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION
LAW NO. 08/L-108 ON DECLARATION, ORIGIN AND CONTROL OF ASSETS AND GIFTS
This Law aims to define the system of declaration of assets, including the ways and procedures of declaration of assets and gifts, the origin and control of declared assets and gifts, as well as declaring entities, in order to prevent corruption, conflict of interest and to strengthen the integrity of public institutions, including sanctioning.
Criminal procedure Code:
DISQUALIFICATION OF STATE PROSECUTORS
Article 43
Bases for Disqualification of State Prosecutors
1. A state prosecutor shall be disqualified from a particular case:
1.5. If a conflict of interest exists as defined by relevant legislation.
LAW NO. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION
The purpose of this law is to strengthen the integrity of the public sector as well as guaranty the discharge of public duties in an objective, impartial and transparent manner in service of public interest through identification, prevention, management and resolution of conflict of interests of officials.
The provisions in this law define the principles, rules and procedures of permitted and prohibited activities of officials in the performance of public duties as well as the measures foreseen for violation of provisions defined in this law. This law regulates also the procedures for reporting obligations, measures for prevention, identification, management and resolution of conflict of public and private interest during and after discharge of official public duties and the duties and responsibilities of competent authorities.

Q226 (2023): LAW NO. 08/L-108 ON DECLARATION, ORIGIN AND CONTROL OF ASSETS AND GIFTS https://gzk.rks-gov.net/ActDetail.aspx?ActID=61304 Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

Q226 (2022): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials
Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

Q226 (2021): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials
Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

Q227 (General Comment): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressively permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the prosecutors shall notify the Chief Prosecutor and the Chief Prosecutors shall notify the Council ".
And of course, they can conduct these activities without remuneration, if they wish.
Prosecutors may also engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

Q227 (2024): Law No. 08/L-167 on State Prosecutor
Article 37 Professional activities 1. The prosecutor with the prior approval of the Chief Prosecutor of the Prosecution Office, while the Chief Prosecutors of Prosecution Offices with the prior approval of the Council, have the right to participate in professional organizations or scientific meetings which promote the independence and protection of professional interests of prosecutors. 2. The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only. 3. In accordance with the provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writing, but may not publish the relevant content of prosecutorial files during or after the termination of the prosecutorial function, unless expressly permitted by applicable legislation. 4. Prosecutors and Chief Prosecutors, for the activities provided in this Article, receive a remuneration, which may not exceed the value of twenty-five (25%) percent of the basic salary, and for this remuneration the prosecutors notify the Chief Prosecutor, while the Chief Prosecutors notify the Council.

Q227 (2023): Law on State Prosecutor
Article 37 Professional activities 1. The prosecutor with the prior approval of the Chief Prosecutor of the Prosecution Office, while the Chief Prosecutors of Prosecution Offices with the prior approval of the Council, have the right to participate in professional organizations or scientific meetings which promote the independence and protection of professional interests of prosecutors. 2. The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only. 3. In accordance with the provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writing, but may not publish the relevant content of prosecutorial files during or after the termination of the prosecutorial function, unless expressly permitted by applicable legislation. 4. Prosecutors and Chief Prosecutors, for the activities provided in this Article, receive a remuneration, which may not exceed the value of twenty-five (25%) percent of the basic salary, and for this remuneration the prosecutors notify the Chief Prosecutor, while the Chief Prosecutors notify the Council.

Q227 (2022): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.
Q227 (2021): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.
Q229 (2024): The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only.
Q229 (2023): 2. The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only.

Q152 (General Comment): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest Article 22
Administrative Procedures of the Agency in Cases of Conflict of Interest
1. The procedure shall begin at the Agency:
1.1. ex officio;
1.2. at the request of a senior official;
1.3. at the request of the official and following the approval by the employing institution;
1.4. at the request of the institution;
1.5. on basis of reporting by another person or on basis of anonymous information.
2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.
3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.
4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.
5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.
6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.
7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.
8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.
9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.
10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.
11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.
12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.

Q232 (2022): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest. Article 22
Administrative Procedures of the Agency in Cases of Conflict of Interest
1. The procedure shall begin at the Agency:
1.1. ex officio;
1.2. at the request of a senior official;
1.3. at the request of the official and following the approval by the employing institution;
1.4. at the request of the institution;
1.5. on basis of reporting by another person or on basis of anonymous information.
2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.
3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.
4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.
5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.
6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.
7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.
8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.
9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.
10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.
11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.
12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.

Q232 (General Comment): When a prosecutor is concludes or has reasons to believe that he/she has breached the rules on conflict of interest, he/she is obliged to inform his/her supervisor. He/she should immediately suspend all activities related to that particular issue. In case his/her supervisor is not convinced or is in doubt whether the prosecutor has breached the rules on conflict of interest, he/she shall refer the case to the Anti-Corruption Agency. In case when there exist reasons to believe that a prosecutor has breached this rules, the disciplinary case is initiated by the chief prosecutor of that particular prosecution service. If the prosecutor is aware that he/she has committed such breach of rules, and he/she does not inform his supervisor, a disciplinary procedure is initiated accordingly with the actual Law.

Q234 (General Comment): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.
Q235 (General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, at the investigation stage the Kosovo Judicial Council establishes a panel of three judges ther the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3). o gather evidence, analyze the facts and prepare a report. The Council, sole, decides whet
Q235 (2024): The party/judge, under the conditions set out in Article 15 of Law No. 06/L-057 on the Disciplinary Responsibility of Judges and Prosecutors, has the right to appeal the disciplinary decision of the Kosovo Judicial Council to the Supreme Court of Kosovo, whose decision is final.
Q237 (General Comment): According to article 4 of the Law on disciplinary liability of judges and prosecutors, judges and prosecutors shall be subject to disciplinary liability for disciplinary offences, in accordance with procedures set forth in this law. Article 5 enumerates the disciplinary offences in respect of judges.
Q237 (2024): Other violations as defined by Law No. 06/L-057 on the Disciplinary Responsibility of Judges and Prosecutors.
10 cases, 4 of which are still in procedure in 2025. The five cases reported in the breach of the professional ethics are violations as stipulated by the Code of Ethics.
Q237 (2022): Article 5 of the Law on disciplinary liability of judges and prosecutors.
Q238 (2024): There are 3 cases found responsible for disciplinary violations, as follows:
1 case – Article 5, paragraph 1, in connection with Article 2.15 of Law No. 06/L-057;
2 cases – Article 5, paragraph 2, subparagraph 2.7 of Law No. 06/L-057.
Meanwhile, 3 cases were not found responsible for disciplinary violations, as follows:
1 case – Article 5, paragraph 2, subparagraphs 2.6 and 2.8 of Law No. 06/L-057, and Article 4, points 4.1 and 4.2 of the Code of Professional Ethics for Judges;
2 cases – Article 5, paragraph 2, point 2.7 of Law No. 06/L-057.
Q239 (2024): 1 – Non-public written notice
2 – Public written notice
Q241 (General Comment): According to article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.
Other courts in Kosovo shall not have the competence to review and decide on the disciplinary procedure against judges and prosecutors.
Q242 (General Comment): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.
Q243 (General Comment): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS
Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority transfers the complaint to the competent authority. Put differently, citizens can file complaints to the Council and the Ombudsman can request the Council to initiate disciplinary investigations, but the Council is the sole competent authority to formally start disciplinary proceedings.
Q243 (2024): Law on disciplinary liability of judges and prosecutors: Article 9: Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the Competent Authorities.

Q243 (2023): Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the Competent Authorities

Q244 (General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, the Council, sole, decides whether the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3).
Q244 (2024): In the initial phases in order to treat the complaint received the role of each body is as follows:
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors; 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible; 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.
Q244 (2023): In the initial phases in order to treat the complaint received the role of each body is as follows:
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors; 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible; 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor

Q246 (2024): Clarification: In table above, there are (6) disciplinary cases initiated in the year – 2024, six of them (all of them) are professional violations, while (4) of them are professional and ethical violations. However to avoid duplication only two cases are reported in the "professional inadequacy" box.
Q246 (2023): During 2023, KPC received 8 new cases of requests for initiating the disciplinary procedures against prosecutors. There were 2 prosecutor for whom we received 2 separate cases for each so the cases were joined. As a result, in total, there were 6 cases treated.
Q247 (2024): Clarification: four disciplinary cases (all of them) are professional violations, while (2) two cases are professional and ethical violations. However to avoid duplication only two cases are reported in the "professional inadequacy" box.

Q247 (2023): Of the 8 cases received, 3 cases are still unfinished (1 is in the Supreme Court, 1 is being treated in the KPC and 1 is still being treated in the investigative panel)

Q248 (General comment): Law on disciplinary liability of judges and prosecutors.

Article 7

Disciplinary sanctions

1. One or more of the following disciplinary sanctions may be imposed by the Councils on judges and prosecutors for a disciplinary offense:

1.1. non-public written reprimand;

1.2. public written reprimand;

1.3. temporary wage reduction up to fifty percent (50%) for a period of up to one (1) year;

1.4. temporary or permanent transfer to a lower level court or prosecution office;

1.5. proposal for dismissal.

2. Disciplinary sanctions shall be imposed only in compliance with the principle of proportionality and taking into account:

2.1. the number and seriousness of the disciplinary offenses committed by a judge or prosecutor;

2.2. the consequences of a disciplinary offense;

2.3. the circumstances under which the disciplinary offense was committed;

2.4. the overall performance and behaviour of the judge or prosecutor;

2.5. the behaviour and level of cooperation of the judge or prosecutor during the disciplinary proceedings.

3. A decision on the disciplinary liability of a judge or prosecutor shall be issued also in cases when a judge or prosecutor has after the initiation of disciplinary procedures resigned from duty or whose function as a judge or prosecutor was terminated in any other manner.

4. With the exception of the non-public reprimand, all final decisions on disciplinary sanctions shall be published without delay, but not later than fifteen (15) days, by the respective Councils on their web-site.

5. The Council shall maintain a disciplinary evidence record which shall register all disciplinary investigations and sanctions against a judge or prosecutor. Records on a disciplinary

Q248 (2024): The number of decisions for disciplinary procedures includes cases that started in 2023 and some of 2024. Of the 4 cases with “Reprimand” for 1 there is a “Written non-public reprimand”, for 4 prosecutors there is a “Written public reprimand”.

Q248 (2023): Of the 4 cases with disciplinary sanction “Reprimand” 2 are “Written non public reprimands” and 2 are “Written public reprimands” out of which 1 is with and agreement.

Q248 (2022): During 2022 KPC received 9 requests for initiating disciplinary procedures against prosecutors. Based on these, KPC established 8 investigative panels, and dismissed 1 request for initiation disciplinary procedures.
9 cases were transferred from 2021 and as such in total KPC took 15 disciplinary decisions and 2 other cases are still ongoing.
Q248 (2021): The one reprimand case was (non public written reprimand) and the 3 withdrawn from cases no disciplinary offence were founded. From 14 requests for initiating disciplinary procedures, for 13 KPC established the investigative panels. Out of these, for 5 cases there were final decisions made regarding disciplinary liability. 1 cases was suspended due to criminal procedures.
For 2 other cases the decision will be made in one of KPC meetings in 2022.
5 other cases are ongoing.

Indicator 8 - Accountability and processes affecting public trust

by question No.

Question 156. Is there a system of compensation in the following circumstances:
Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:
Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?
Question 161. If yes, what are:
Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?
Question 162-0. What is the status of public prosecution services?
Question 162-1. If they are prohibited by law or other regulation, are there exceptions?
Question 162-2. What form these instructions may take?
Question 162-2-0. Which authority can issue such specific instructions?
Question 162-3. In that case, are the instructions:
Question 162-4. What is the frequency of this type of instructions:
Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?
Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?
Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges
Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?
Question 171. Number of criminal cases against judges or prosecutors
Question 172-0. Are specific measures to prevent corruption in place?
Question 172. Is there a code of ethics applicable to all judges? Please provide the link.
Question 173.
Question 173-1. Does the Code of Ethics contain principles on:
Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.
Question 175.
Question 175-1. Does the Code of Ethics contain principles on:
Question 176. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)
Question 177. If yes, who are the members of this institution / body?
Question 178. Are the guidelines and/or opinions of this institution/body publicly available?
Question 178-1. How many guidelines and/or opinions were given during the reference year?
Question 179. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. If yes, who are the members of this institution / body ?
Question 181. Are the guidelines and/or opinions of this institution/body publicly available?
Question 181-1. How many guidelines and/opinions were given during the reference year?
Question 182. Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?
Question 183. Is transparency in distribution of court cases ensured in your judicial system?
Question 184. How is distribution of court cases organized in your system?
Question 185. What are the different possible reasons for reassigning a case?
Question 185-1. How many reassignments of cases were processed in the reference year?
Question 186. Does the reassignment of cases have to be reasoned?
Question 187. Are all reassignments of cases processed through the computerised distribution of cases?
Question 188. If yes, how are reassignments of cases processed:
Question 190. Which law(s) and regulation(s) require a declaration of assets by judges
Question 192. Can you provide the declaration of assets form (attachment)?
Question 193. What items are to be declared?
Question 194. What is the moment of the declaration of assets of judges?
Question 195. Does this declaration concern the members of the family?
Question 196. Is the declaration for family members the same as for the judge?
Question 198. Are these declarations of assets verified as regards:
Question 199. Is there a register of declaration of assets?
Question 200. Where is the declaration published?
Question 201. What is the sanction in case of non-declaration of assets?
Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:
Question 203. Which law(s) and regulation(s) require a declaration of assets by prosecutors
Question 205. Can you provide the declaration of assets form (attachment)?
Question 206. What items are to be declared?
Question 207. What is the moment of the declaration of assets of prosecutors?
Question 208. Does this declaration concern the members of the family?
Question 209. Is the declaration for family members the same as for the prosecutor?
Question 211. Are these declarations of assets verified as regards:
Question 212. Is there a register of declaration of assets?
Question 213. Where is the declaration published?
Question 214. What is the sanction in case of non-declaration of assets?
Question 215. Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets:
Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:

Question 218. Can judges combine their work with any of the following other functions/activities?
Question 219. Is an authorisation needed to perform these accessory activities for judges?
Question 220. If yes, who is giving authorisation for these accessory activities for judges?
Question 221. If not, does the judge have to inform his or her hierarchy about these accessory activities?
Question 222. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of judges regulated?
Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:
Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference year
Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:
Question 227. Can public prosecutors combine their work with any of the following other functions/activities?
Question 228. Is an authorisation needed to perform these accessory activities for public prosecutors?
Question 229. If yes, who is giving authorisation for these accessory activities for public prosecutors?
Question 230. If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?
Question 231. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in respect of prosecutors regulated?
Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:
Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year
Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?
Question 235. Which authority has disciplinary power over judges? (multiple replies possible)
Question 236. What are the possibilities for the judge to present an argumentation? (multiple replies possible)
Question 237. Number of disciplinary proceedings initiated during the reference year against judges.
Question 238. Number of cases completed in the reference year against judges.
Question 239. Number of sanctions pronounced during the reference year against judges.
Question 240. Can a disciplinary decision be appealed?
Question 241. If yes, what body is competent to decide on appeal?
Question 242. Can a judge be transferred to another court without his/her consent:
Question 243. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple replies possible):
Question 244. Which authority has disciplinary power over public prosecutors? (multiple replies possible)
Question 245. What are the possibilities for prosecutors to present an argumentation (multiple replies possible):
Question 246. Number of disciplinary proceedings initiated during the reference year against public prosecutors.
Question 246-1. Please describe what is included in the category "Professional inadequacy"
Question 247. Number of cases completed in the reference year against public prosecutors.
Question 248. Number of sanctions pronounced during the reference year against public prosecutors.
Question 250. Can the disciplinary decision be appealed?
Question 251. If yes, what body is competent to decide on appeal?

Question 156

Albania

(General Comment): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".
Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.
Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter.

(2024): The Albanian legislation provides a system of compensation for all the above circumstances.
-Regarding the excessive length of proceedings and non-execution of court decisions:
The procedural legislation provides for the right of the party in a judicial process to be compensated for the damage caused due to the unreasonable length of a procedure according to legal provisions. More specifically, the Code of Civil Procedure, as amended, has provided the rules and procedures for reasonable length of procedures in its articles 399/1-399/12.
Article 399/2 of this Code provides for reasonable deadlines for the investigation, trial or execution of a final decision. In case of exceeding the deadlines provided for in this article, the parties in the process can submit a request, which is adjudicated by the competent court. If a violation is found by the court, the party can file a claim for damage compensation.
-Regarding the wrongful arrest / detention and wrongful conviction:
The Code of Criminal Procedure, as amended, has provided in its Article 268 the right to compensation for the detention suffered by those who have been found innocent by a final court decision, except in cases where it has been proven that the wrongful decision or failure to discover the unknown fact in due time, is caused, wholly or in part, by the person himself. This right is also granted for the convicted person who has been placed in precautionary detention in prison, when it is proven by a final decision that the act by which the precautionary measure was established, has been issued in absence of the requirements provided for by Articles 228 and 229 of this Code. These provisions also apply to cases where the court or prosecutor decided to dismiss the case. Whereas in cases when it is proven by a court decision that the act is not provided under the law as a criminal offence, due to the abrogation of the relative provision, the right of compensation is not recognized for the part of precautionary detention in prison served before the abrogation.
The request for compensation must be submitted within three years of the day in which the judgment of acquittal or dismissal has become final. Whereas the compensation amount, the method for its calculation, and the cases of house arrest compensation, are established by special law.

(2023): The Albanian legislation provides a system of compensation for all the above circumstances.
-Regarding the excessive length of proceedings and non-execution of court decisions:
The procedural legislation provides for the right of the party in a judicial process to be compensated for the damage caused due to the unreasonable length of a procedure according to legal provisions. More specifically, the Code of Civil Procedure, as amended, has provided the rules and procedures for reasonable length of procedures in its articles 399/1-399/12.
Article 399/2 of this Code provides for reasonable deadlines for the investigation, trial or execution of a final decision. In case of exceeding the deadlines provided for in this article, the parties in the process can submit a request, which is adjudicated by the competent court. If a violation is found by the court, the party can file a claim for damage compensation.
-Regarding the wrongful arrest / detention and wrongful conviction:
The Code of Criminal Procedure, as amended, has provided in its Article 268 the right to compensation for the detention suffered by those who have been found innocent by a final court decision, except in cases where it has been proven that the wrongful decision or failure to discover the unknown fact in due time, is caused, wholly or in part, by the person himself. This right is also granted for the convicted person who has been placed in precautionary detention in prison, when it is proven by a final decision that the act by which the precautionary measure was established, has been issued in absence of the requirements provided for by Articles 228 and 229 of this Code. These provisions also apply to cases where the court or prosecutor decided to dismiss the case. Whereas in cases when it is proven by a court decision that the act is not provided under the law as a criminal offence, due to the abrogation of the relative provision, the right of compensation is not recognized for the part of precautionary detention in prison served before the abrogation.
The request for compensation must be submitted within three years of the day in which the judgment of acquittal or dismissal has become final. Whereas the compensation amount, the method for its calculation, and the cases of house arrest compensation, are established by special law.

(2022): The requests for excessive length of proceedings and non-execution of court decisions, have been introduced as a separate request to the court by national law in 2017. According to the Civil Procedural Code the procedure is divided in 2 different phases. The first phase is logged as a simple request to the court and is registered in the CMS system as non-litigious cases either civil or administrative depending on the court. They are registered without a specific identifying code. The second phase is logged as litigious case based on tort legal provisions. We cannot identify these specific cases within the category. We will tackle this issue while creating the new CMS system.
Regarding the requests for wrongful arrest / detention and wrongful conviction, these cases are registered as litigious administrative cases and do not have a specific identifying code in the CMS.

Bosnia and Herzegovina

(General comment): Parties to court proceedings may lodge complaints about the work of courts to various institutions in Bosnia and Herzegovina, as explained in the response below. If those institutions find that the complaints are well founded, they order that irregularities in the work of the court be corrected and in addition, in some cases, award compensation to the complainants. The information provided in the answer to the Question 156 relates to all complaints about the work of the courts submitted to the institutions listed below in 2023.

Excessive length of proceedings/Non execution of court decisions: A person whose right to a fair trial is violated by the excessive length of court proceedings or non-execution of the court decisions, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. Based on Article VI of the Constitution the Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. According to Article 16, paragraph 3 of its Rules, the Constitutional Court may examine, within its appellate jurisdiction, an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. The Court admits appeals, based on the aforementioned provision of the Rules, alleging that a court of general jurisdiction has breached both Article II/3.e of the Constitution and Article 6, paragraph 1, of the European Convention on Human Rights by exceeding a reasonable time for determining a court case (i.e. any sort of a court case). If the violation is found, the Constitutional Court orders the court of general jurisdiction to finalize the case in question without any delay.

In a decision granting an appeal, the Constitutional Court may also award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court. The compensation is paid from budget of the government financing the court of general jurisdiction found to be responsible for the excessive length of proceedings.

In addition, a legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established recently in several jurisdictions in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In the remaining jurisdictions in Bosnia and Herzegovina, a legislative procedure is underway for the adoption of a legal framework on the protection of the right to a trial within a reasonable time. Wrongful arrest/detention and wrongful conviction: Terms under which person is entitled to compensation of damages for wrongful arrest and wrongful conviction are provided in criminal procedure codes. These terms are provided as follows:

Wrongful arrest - a person is entitled to compensation of damages in the following cases: (i) a person who was in detention, but criminal proceedings were not instituted or proceedings were dismissed or a final verdict was pronounced acquitting the person of charges or charges were rejected; (ii) a person who was subjected to unlawful detention or retained in detention or a correctional institution due to a mistake; (iii) a person who was in detention longer than the sentence to which he was convicted; (iv) a person who served a sentence of imprisonment, and was pronounced a shorter imprisonment sentence in reopened criminal proceedings than the sentence he had served, or was pronounced a criminal sanction other than imprisonment or he was pronounced guilty but freed from sanction; (v) a person who was imprisoned without a legal ground is entitled to compensation of damages if no pretrial detention was ordered against him or the time for which he was imprisoned was not included in the sentence pronounced for a criminal offense or minor offense.

(2024): The particular circumstances under which the Constitutional Court of BiH operated in 2024 are one of the factors contributing to the higher number of granted claims. As in previous years, the Constitutional Court of BiH has experienced certain organisational problems with regard to its inability to set up the judge panels because of the court's vacant posts, which affects the dynamics of its work. In the light of the above, the Constitutional Court of BiH makes efforts to resolve priority cases as quickly as possible. As a result, the number of resolved claims alleging the violation of the right to a decision within a reasonable time has increased.

As for the claims submitted to other institutions (i.e. ministries of justice at the state and entity level of government) competent for their resolution, there has been no variation in the number of granted claims. What is important to note is that the circumstances in each individual case (the length of pre-trial detention and similar) have contributed to an increase in the amount of compensation for the violation of the party's rights because of unjustified deprivation of liberty.

In addition to the above-mentioned, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences, the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 280 complaints against courts in 2024; the structure of the complaints was as follows: 50 complaints alleging excessive length of proceedings, 32 complaints alleging ineffective enforcement of court decisions, 17 complaints against judges for violation of procedural laws, 8 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 173 complaints related to the violation of other rights related to court procedure. In 2024 the Ombudsman issued 62 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors.

ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless upon a showing of a cause that an extension is justified. In these proceedings, complainants are not entitled to compensation if their complaint is found to be sound. The number of complaints ODC received in 2024 was 945. This information is not included in the data prepared for Question 156, as the HJPC does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.

(2023). As the most relevant institution for the Question 156, the Constitutional Court of Bosnia and Herzegovina (the Constitutional Court) reported it received fewer requests in 2023 compared to 2022. Namely, during 2023, the Constitutional Court functioned to a reduced extent because the vacant positions in this court could not be filled due to reasons falling within the competence of legislative institutions. In addition, the Constitutional Court stated that the appellate jurisdiction of this institution continues to be influenced by the right of parties in court proceedings to appeal to the court of general jurisdiction for the acceleration of proceedings under relatively new legislation that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established in three out of four main different jurisdictions in Bosnia and Herzegovina.

According to this legal framework, the parties to the court proceedings have two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. As for the time-limits under this legislative framework, the court proceedings may file a motion for procedure expedition to the court processing the case for which expedition is requested (time limits for the court to decide: 60 days in first instance proceedings; 30 days in second instance proceedings).

Furthermore, parties to legal proceedings have the right to seek damages for violation of the right to a trial within a reasonable time (time limit for the relevant courts to decide: no later than six months from the date of receipt of the action). When it comes to the number of motions to expedite case resolution, a total of 128 motions were filed to the courts in 2023. In 2023, the courts granted 25 and denied/dismissed 49 motions of the parties. In addition, the courts received 19 claims for damages last year. In 9 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 14 cases.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 367 complaints against courts in 2023; the structure of the complaints was as follows: 62 complaints alleging excessive length of proceedings, 50 complaints alleging ineffective enforcement of court decisions, 23 complaints against judges for violation of procedural laws, 9 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 223 complaints related to the violation of other rights related to court procedure. In 2023 the Ombudsman issued 51 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors.

ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary

(2022): The Constitutional Court of Bosnia and Herzegovina reported that the influx of cases at the Constitutional Court of BiH varies from year to year. Depending on the influx, other data on cases of the Constitutional Court of Bosnia and Herzegovina also vary. The Constitutional Court of BiH could not give an answer as to what factors influenced that figure. In previous years, the only thing that was evident was that cases involving the length of court procedures and the non-enforcement of court decisions had an effect on the total number of incoming cases. This was not the case in 2022, due to the fact that a certain number of these cases were processed by courts within the new legislative framework that regulates the protection of the right to a trial within reasonable time. According to the Constitutional Court of BiH, most of their cases concern allegations regarding the violation of the right to a fair trial (Article 6 of the European Convention) and the right to property (Article 1 of Protocol No. 1 to the European Convention) as well as cases in which the Constitutional Court of BiH is petitioned to proceed as a court of the fourth instance.

A legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established in one part of the jurisdiction in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In other parts of the jurisdiction of BiH, the establishment of this legislative framework is underway. When it comes to the number of motions to expedite case resolution, a total of 154 motions were filed to the courts in 2022. In 2022, the courts granted 39 and denied/dismissed 76 motions of the parties. In addition, the courts received 15 claims for damages last year. In 7 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 5 cases.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 347 complaints against courts in 2022; the structure of the complaints was as follows: 29 complaints alleging excessive length of proceedings, 22 complaints alleging ineffective enforcement of court decisions, 12 complaints against judges for violation of procedural laws, 2 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 282 complaints related to the violation of other rights related to court procedure. In 2022 the Ombudsman issued 67 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants of the work of courts and other institutions.

(2021): Number of requests shown in the table refers to the requests received in 2021 and number of the condemnations refers to the total number of condemnations issued in 2021, regardless of the year of request.
There were some significant variations between data for 2020 and 2021.
The Constitutional Court of Bosnia and Herzegovina reported the increase of the number of condemnations for excessive length of proceedings and non-execution of court decisions in 2021. Namely, the Court concluded during the reporting year that the majority of the relevant legislative and other authorities in Bosnia and Herzegovina failed to meet the timeframe determined previously by that institution for taking legislative measures and other corrective activities to help reduce systematic violations of the right to trial within a reasonable time. Accordingly, the Court has intensified the processing of individual applications of the parties in court proceedings alleging infringement of the right to trial within a reasonable time or the right to have a court decision enforced. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2021 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders, the Constitutional Court of Bosnia and Herzegovina) explained that the numbers of requests and condemnations and the amount of compensation were based on the circumstances of individual cases.

(2019): Specific comments for 2019: Number of requests shown in the table refers to the requests received in 2019 and number of the condemnations refers to the total number of condemnations in 2019, regardless of the date of submission of the request.There are significant variations between data for 2019 compared to 2018 when it comes to the number of requests, the number of condemnations, and the amount of awarded compensations for the Excessive length of proceedings and the Non - execution of court decisions. The reason for the variations is a current temporary policy change of the Constitutional Court of Bosnia and Herzegovina, regarding admissibility and handling of individual applications, pending its request to the legislative authorities and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to take systemic measures to ensure the reasonable length of proceedings at the courts in Bosnia and Herzegovina. There are no particular reasons (e.g. change of policy or legislation) for the data differences between 2019 and 2018 for Wrongful arrest, Wrongful conviction, and Others. The variations are explained by the relevant institutions (i. e. ministries of justice, public defenders) as the increase or decrease, registered specially in 2019, in terms of the number of requests, the number of condemnations, and the amount of awarded compensations (e.g. Courts of general jurisdiction awarded in some cases relatively higher amounts of damages to the plaintiffs due to the specific facts and circumstances of those cases).

Montenegro

(2024): Wrongful arrest/detention - data from MoJ which deals with conclusion of agreements for compensation, legal option instead of going to the court with a law suit.

(2023): wrongful detention - data source Ministry of Justice.

(2022): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 113 cases in work upon claims for just satisfaction. Based on the adopted claims for compensation of non- pecuniary damage, in 59 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 52 200 EUR. The Law on the protection of the right to a trial within reasonable time prescribes that the compensation is determined in the amount range 300 - 5.000 EUR. The following criteria shall be taken into account when determining the amount of compensation: the complexity of the case in factual and legal terms, conduct of the applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant.
Wrongful arrest/detention: Data available from the Ministry of Justice. Data for settlements concluded in 2022.

(2021): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 149 cases in work upon claims for just satisfaction. Based on the adopted claims for compensation of non- pecuniary damage, in 64 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 40 000 EUR. The Law on the protection of the right to a trial within reasonable time prescribes that the compensation is determined in the amount range 300 - 5.000 EUR. The following criteria shall be taken into account when determining the amount of compensation: the complexity of the case in factual and legal terms, conduct of the applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant.

North Macedonia

(General Comment): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions.
2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.
The procedure for compensation of damage is acting by the court and the amounts depends from case to case. The amounts are related with the case and the taken actions in that case (days in wrongful arrest, wrongful conviction, lost profit, costs, rate of interest etc.)

Serbia

(General Comment) the Law on Protection of Right to Trial within a Reasonable Time („Official Gazette RS“, No. 40, 25 and 52, 25)
: Article 3
The legal means that protect the right to a trial within a reasonable time are:
1) objection to speed up the procedure (hereinafter: objection);
2) appeal;
3) request for just satisfaction.
The party does not pay the court fee in proceedings in which the right to a trial within a reasonable time is protected. They are urgent and have priority in decision-making.
Complaint submission and complaint procedure
Article 7.
The party submits an objection to the court conducting the proceedings or the court before which the proceedings are conducted if he believes that the public prosecutor has violated his right.
The attorney of the party who is authorized to undertake all actions in the procedure that is requested to be accelerated does not need particularly many opportunities to submit the contract.
If the attorney of the party is authorized to foresee only individual actions in the procedure, which does not include the submission of legal means for the protection of the right to a trial within a reasonable time, he is obliged to submit a special power of attorney along with the objection.
If it is suspected that one of the legally prescribed reasons for the termination of the power of attorney has occurred, the court will, by means of a reasoned decision against which no personal appeal is allowed, order the attorney to submit a special deadline for the power of attorney to be issued in accordance with the law, with a warning that the objection to the contrary will be rejected as illegal.
The procedure for the objection is led by the president of the court, who decides on the objection. With the annual schedule of work, he can designate one court or several judges to lead the proceedings alongside him and decide on interviews.
An oral hearing is not held, and the law governing non-litigation proceedings is applied accordingly to other issues.
The president of the court is obliged to decide on the objection within two months from the date of receipt of the contract.
Article 14.
The party has the right to appeal if his objection is rejected or if the president of the court does not decide on it within two months from the day of receipt of the objection.
An appeal can also be filed if the objection was accepted, but the chief public prosecutor did not issue a mandatory instruction within eight days from the date of receipt of the court president's decision, then if the court president or the immediately superior public prosecutor did not order the judge or the public prosecutor to take procedural actions that effectively speed up the procedure, or if the judge or public prosecutor has not taken the ordered procedural actions within the deadline set for him.
An appeal can be filed even if the president of the court, in the decision by which he accepted the objection and determined the violation of the right to a trial, did not set a

(2024): According to the Law on Protection of Right to Trial within a Reasonable Time („Official Gazette RS“, No. 40/15 and 92/23), in the course of 2024 there were 11,843 objections to the presidents of courts for acceleration of the proceedings. Further, there were 2,533 claims were filed to courts for non-pecuniary damages and 728 claims were filed for pecuniary damages. The largest number of new cases for claims for compensation for pecuniary and non-pecuniary damage was in 2020 (29,341). Growing trend of such a high number of lawsuits has been stopped, since in 2021 there were 20,930 of these cases, in 2022 year 14,454, while in 2023 that number was reduced to 8,196 cases, and this trend was continued in 2024 to 3,261 cases. With regard to the total amount of compensation paid according to court judgments due to the violation of the right to a trial within a reasonable time for 2024, we refer to the data of the High Judicial Council , 1. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, voluntarily paid by the courts, was in the amount of RSD 124.971.205,51.
2. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of the domestic courts, collected from the courts, was in the amount of RSD 4.305.732.093,42.
3. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, paid voluntarily based on an agreement with the State Attorney’s Office, was in the amount of RSD 19.997.134,00.

(2023): According to the Law on Protection of Right to Trial within a Reasonable Time („Official Gazette RS“, No. 40/15 and 92/23), in 2023 there were 19,092 objections to the presidents of courts for acceleration of the proceedings. Further, there were 4,816 claims were filed to courts for non-pecuniary damages and 3,380 claims were filed for pecuniary damages. The largest number of new cases for claims for compensation for pecuniary and non-pecuniary damage was in 2019 (31.825). The growing trend of such a high number of lawsuits has been stopped, since in 2020 there were 29.341 of these cases, in 2021 year 20.930, while in 2022 that number was reduced to 13.060 cases, and this trend was continued in 2023 to 8,196 cases. With regard to the total amount of compensation paid according to court judgments due to the violation of the right to a trial within a reasonable time for 2023, we refer to the data of the High Judicial Council , 1. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, voluntarily paid by the courts, was in the amount of RSD 166,263,292.52.
2. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of the domestic courts, collected from the courts, was about 4,090,654,824.02 dinars.
3. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, paid voluntarily based on an agreement with the State Attorney’s Office, was in the amount of RSD 63,007,938.00 dinars.

(2022): Based on the decisions of the presidents of the courts, which accepted objections for speeding up the proceedings and found a violation of the right to a trial within reasonable time before the basic and higher courts in the Republic of Serbia, out of the total number of cases received (13,060).The largest number of these cases refer to the enforcement of legally binding court decisions. However, the exact number of Non-execution of court decisions cases is N/A.

Kosovo*
(General Comment): NA

(2024): Regarding the compensation procedure for individuals unjustly deprived of liberty, this category—specifically the cases in which compensation is permitted—is regulated by Articles 525 and 529 of the Kosovo Code of Criminal Procedure. Among other provisions, compensation is granted to individuals who have been unjustly deprived of liberty in any form, and later:
The charges against them were dismissed,
They were acquitted by a final court decision, or
The investigation was terminated.
Additionally, Instruction 01/2023 on the compensation procedure for individuals wrongfully convicted or arrested establishes the compensation amounts:
House arrest: €15 per day
Pretrial detention: €25 per day
For material damage (lost earnings):
If the person was employed, the compensation is calculated based on the gross salary they earned before being deprived of liberty.
If the person was unemployed, the compensation is equivalent to the minimum gross wage in the Republic of Kosovo.
Furthermore, wrongfully detained individuals are entitled to compensation for family visit expenses and care packages, up to €100 per month.
After completing the administrative procedure before the relevant Commission, established by the Council, individuals may either:
Reach a compensation agreement with the Commission, or
If they disagree with the offered amount, either partially (e.g., accepting compensation only for material or non-material damages) or entirely, they may file a lawsuit before the competent court.
During 2024, a total of 227 compensation requests were submitted by parties to the Compensation Commission established by the KJC. Of these, 23 requests from 2023 and 227 requests from 2024 were compensated, making a total of 247 cases. The total compensation amount, based on court decisions, was €142,568.00.

(2022): The amount of 251 302 euro covers compensations for cases of Wrongful arrest / detention and Wrongful conviction.

Question 156-1

Bosnia and Herzegovina

(General Comment): Other court and Ministry of justice - Requests that include compensation claims:
The Constitutional Court of Bosnia and Herzegovina has appellate jurisdiction over issues under the Constitution arising out of a judgement of any other court in Bosnia and Herzegovina. This includes appeals regarding excessive length of court proceeding, non-enforcement of judicial decisions, and other aspects of the right to a fair trial, as well as other rights protected by the European Convention. In addition, a legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established recently in several jurisdictions in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdiction to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. The court must decide within the strict legal deadline. In the remaining jurisdictions in Bosnia and Herzegovina, a legislative procedure is underway for the adoption of a legal framework on the protection of the right to a trial within a reasonable time. Compensation for wrongful arrest/detention and wrongful conviction is awarded in civil court proceedings which are initiated against public authorities by the person entitled to compensation. The filing of a lawsuit is preceded by an attempt to reach a settlement through the ministry of justice at the relevant level of government, which must decide on the compensation request within the strict legal deadline.
The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and The Institution of Human Rights Ombudsman of Bosnia and Herzegovina - Requests that do not include compensation claims:
The High Judicial and Prosecutorial Council (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors. ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless upon a showing of a cause that an extension is justified. In these proceedings complainants are not entitled to compensation if their complaint is found to be sound. The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. In performing its competences, the Ombudsman cannot decide on compensation for determined human rights violations.

Montenegro

(General Comment): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.

(2024): * For dealing with the requests for speeding up the proceedings, it is the court concerned.
** For dealing with the requests for compensation for the excessive length of proceedings, it is the Supreme court of Montenegro - the highest Court in Montenegro.
*** The Supreme Court of Montenegro - Department for fair trial - is responsible to render a decision on compensation no later than four months from the date of the submission of the plaintif's claim. Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a lawsuit.

(2023): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.

(2022): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legaly binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.

Serbia

(2024): By Article 7, Paragraph 7 of the Law on Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of RS", no. 40 on May 7, 2015, 92 of October 27, 2023) Law on Amendments to the Law on the Protection of the Right to a Trial within a Reasonable Time: "Official Gazette of the RS", No. 92/2023-268 Article 16.
An objection to speed up the bankruptcy or enforcement proceedings referred to in Article 1 of this law, on which no decision has been made by the date of entry into force of this law, is considered a constitutional appeal.
An appeal against the decision rejecting the objection referred to in paragraph 1 of this article, on which no decision was made by the date of entry into force of this law, is considered a constitutional appeal.
A claim for monetary compensation filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings from Article 1 of this law, on which no first-instance decision was made by the date of entry into force of this law, is considered a constitutional appeal.
A claim for compensation for property damage that was filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings from Article 1 of this law, on which a first-instance decision was not made by the date of entry into force of this law, is considered a constitutional appeal.
The courts are obliged to, within 30 days from the date of entry into force of this law, all pending cases from para. 14. of this article to be submitted to the Constitutional Court for further proceedings and decision-making and to inform the complainant, complaint, or lawsuit about it.
The applicant to speed up the procedure, i.e. the appeal against the decision on rejection of the objection to speed up the procedure, has the right to submit to the Constitutional Court a request for compensation for material or non-material damage within 30 days from the date of receipt of the notification by the court from paragraph 5 of this article.

(2023): By Article 7, Paragraph 7 of the Law on Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of RS", no. 40 on May 7, 2015, 92 of October 27, 2023) Law on Amendments to the Law on the Protection of the Right to a Trial within a Reasonable Time: "Official Gazette of the RS", No. 92/2023-268
Article 16.
An objection to speed up the bankruptcy or enforcement proceedings referred to in Article 1 of this law, on which no decision has been made by the date of entry into force of this law, is considered a constitutional appeal.
An appeal against the decision rejecting the objection referred to in paragraph 1 of this article, on which no decision was made by the date of entry into force of this law, is considered a constitutional appeal.
A claim for monetary compensation filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings from Article 1 of this law, on which no first-instance decision was made by the date of entry into force of this law, is considered a constitutional appeal.
A claim for compensation for property damage that was filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings from Article 1 of this law, on which a first-instance decision was not made by the date of entry into force of this law, is considered a constitutional appeal.
The courts are obliged to, within 30 days from the date of entry into force of this law, all pending cases from para. 1–4. of this article to be submitted to the Constitutional Court for further proceedings and decision-making and to inform the complainant, complaint, or lawsuit about it.
The applicant to speed up the procedure, i.e. the appeal against the decision on rejection of the objection to speed up the procedure, has the right to submit to the Constitutional Court a request for compensation for material or non-material damage within 30 days from the date of receipt of the notification by the court from paragraph 5 of this article.

Kosovo*
(2024): The period within which the Compensation Commission should deal with the request is 3 months.

Question 160

Albania

(General comment): As provided by the Criminal Procedure Code, Parties may request the disqualification of a judge in cases of incompatibility on grounds of participating in proceedings; incompatibility on grounds of family, blood or in-laws relation, when the judge has the duty to abstain from the judgment, and if, in the exercise of his functions and prior to the issuance of the decision, he has expressed his opinion on the facts or circumstances object of the proceedings. Similar proceedings are provided by civil procedures and administrative procedures codes.
The judge is obliged to withdraw from a case when:
1. he has an interest in the case or in another dispute which is related to it in the trial.
2. he or his spouse has kin relations to the fourth degree or in-law to the second degree, or is related by obligations of child adoption, or lives together in a permanently with one of the parties or attorneys.
3. he or his spouse is in legal conflict or in enmity or in relations of credit or loan with one of the parties or one of the representatives.
4. he has given advise or has expressed opinion on the case in trial or has participated in the trial of the case in a different level of the process, has been questioned as a witness, as expert or representative of one or the other party.
5. he is guardian, employer of one of the parties, administrator or has another task in an entity, association, society or other institution which has interests in the case in trial.
6. in any other event when, according to concrete circumstances, serious reasons for partiality are verified. The request for resignation is presented to the chairman of the respective court who decides. The chairman of the Court of Appeal decides on the presentation of the resignation of the chairman of the district court, and the Chairman of the High Court decides on the request of the chairman of the Court of Appeal. The parties are notified on the content of the request
The judge who on his conscience assesses that there are reasonable causes not to take part in the revision of a case, requests the chairman of the court to be replaced. When Chairman of the court deems relevant the request orders his replacement with another judge through lot.
In cases where the resignation of a judge is mandatory, each of the parties may request the exempt of the judge.
The request, signed by the respective party or its representative, must be deposited with the court secretariat when the announcement of the judge or judges that shall examine the case is made public, or if not, immediately after the announcement of the judge or judges that shall try the case.
Later submission of the request is permitted only in the instance that the party has received information on the grounds of dismissal, or if the judge has inappropriately expressed biased opinion of the facts and circumstances pertaining to the trial during the execution of his duties, although no later than three days from receipt of information.
The request must contain the grounds of dismissal, documents and other available evidence.
The request for the dismissal of a judge is examined in consultation chamber in a session by another judge of the same court. The appeal against the decision to accept or reject the request for dismissal is allowed together with the final decision.
The request for dismissing a judge of the appeals court is decided by a panel of three judges of the same court, different from the panel to which the judge belongs. The decision is of a final form.
The request for dismissing a judge of the High Court is decided by a panel of three judges of the same court, different from the panel to which the judge belongs. The decision is of a

(2021): As provided by the Criminal Procedure Code, Parties may request the disqualification of a judge in cases of incompatibility on grounds of participating in proceedings; incompatibility on grounds of family, blood or in-laws relation, when the judge has the duty to abstain from the judgment, and if, in the exercise of his functions and prior to the issuance of the decision, he has expressed his opinion on the facts or circumstances object of the proceedings. Similar proceedings are provided by civil procedures and administrative procedures codes

Bosnia and Herzegovina

(General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality. The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary session decides on the petition for exemption of a judge in criminal proceedings.

Montenegro

(2022): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

North Macedonia

Article 33
Reasons for exclusion
(1) A judge or a lay judge must not exercise his or her judicial obligations:
1) if he or she has suffered any damage as a result of the crime;
2) if the accused, his counsel, the prosecutor, the injured party, his legal counsel or attorney is his or hers marital i.e. illegitimate spouse or a blood relative according to the law regardless of the degree of kinship, a distant relative to the fourth degree and an in- law to the second degree;
3) if, with the accused, his counsel, the plaintiff or with the injured party he or she has a relationship of a guardian, a person under guardianship, one who adopts, an adopted child, foster parent or a foster child;
4) if, in the same criminal case he or she participated as a judge of the preliminary procedure, participated in the examination of the indictment before the main trial or participated in the procedure as a plaintiff, defense counsel, legal counsel or authorized representative for the injured party, i.e. the plaintiff, or was examined in the capacity of a witness or as an expert witness;
5) if, in the same case, he or she participated in the decision making process of the lower court, or if, in the same court, he or she participated in the bringing of the decision that is annulled with the appeal;
(2) Apart from the situations as referred to in paragraph 1 of this Article, a judge or a lay judge may also be excluded from performing his or her judicial obligations if there are any circumstances that would cause any doubts regarding his or her impartiality. Article 34
Exclusion procedure
As soon as he or she establishes the existence of any of the reasons for exclusion as referred to in Article 33, paragraph 1 of this Law, the judge or lay judge shall be obliged to stop working on that case and inform the President of the Court thereby, who shall appoint a substitute judge. If the exclusion is for the President of the Court, he or she shall appoint his or her own substitute judge amongst the judges from the same court, and if that is not possible, he shall ask the President of the immediate higher court to appoint the substitute.
Article 35
Exclusion upon request by the parties
(1) The parties may also ask for exclusion.
(2) The parties may submit a motion for exclusion prior to the beginning of the main hearing and if they have found out the reasons for the exclusion as referred to in paragraph 1 of Article 33 later, they shall submit the exclusion motion immediately after they have been informed about them.
(3) The party may include the exclusion motion for a judge of the higher instance court in the appeal or in the response to the appeal.
(4) The party may demand exclusion only of an individual judge or a lay judge, who proceeds in the case i.e. a judge from the higher court.

Serbia

(2023): According to the Art. 39 of the Law on Criminal Procedure the request for the recusal can be submitted by parties and the legal representative of the defendant. In civil proceedings parties can request the recusal of the judge according to Article 69 of the Law on Civil Procedure.

Kosovo*

(2022): According to the Code of Criminal Procedure of Kosovo, party can request the dismissal of the judge as soon as he has learned about the existence of reasons for dismissal, and this request can be exercised directly in a court session or through a complaint, in cases where the judge may have a family relationship with any party in the procedure or when he suspects that the same cannot be impartial in the exercise of his function.

Question 161

Albania

(2024): To avoid confusion with last year's data, we clarify that from the statistical data that the Council collects, there are 1006 requests for resignation on the case by the judge, approved by the president of the court; and 14 decisions aimed at excluding a judge.

Bosnia and Herzegovina

(General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality.
The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary session decides on the petition for exemption of a judge in criminal proceedings.

(2024): 93% of procedures initiated during 2024. were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 10% procedures.

(2023): 97% of procedures initiated during 2023. were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 10% procedures.

(2022): 87% of procedures initiated during 2022 were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 9% procedures.

(2021): 96% of procedures initiated during 2021 were resolved in the reference year.
Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 16% procedures.

(2019): 95% challenges submitted by the parties in proceedings during 2019 were resolved in the same year.

Montenegro

(General Comment): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

(2021): The procedure is prescribed by the Law on Civil Proceedings and the Criminal Procedure Code. If a party considers that the judge is not impartial, the party may submit a request, which is decided by the president of the court. If some conditions are met, the presiding judge may decide upon the submitted request for recusal, and those conditions are prescribed by the law. Courts had in total 2084 cases on exemption, out of which 2056 cases were resolved, and 28 remained unresolved.

North Macedonia

(2021): In 2021 there were total 2654 requests for exemption of judges while in the same year there were 2614 decisions for exemptions of judges.

Serbia

(General Comment): Civil Procedure Code: Article 66
The judge is obliged to refrain from judging if there are reasons that cast doubt on his impartiality.
Article 67
A judge cannot perform his duties as a judge if:
1) is the party himself, the legal representative or attorney of the party, if he is with the party in the relationship of co-authorizer, co-obligor or recourse oblige or if he is heard as a witness or expert in the same case;
2) is, as a shareholder, the owner of more than 3% of the shares in the total capital of a legal entity, a member of a company or a member of a cooperative if one of the parties is his creditor or debtor;
3) the party or the party's legal representative or attorney is related by blood in the direct line, and in the collateral line up to the fourth degree, or his spouse, i.e. common-law partner, is a relative by in-laws up to the second degree, regardless of whether the marriage has ended or not;
4) is the guardian, adopter or adoptee of the party, its legal representative or attorney or if there is a joint household between him and the party, its legal representative or attorney;
5) some other litigation is ongoing between the judge and the party;
6) in the same case, he participated in the mediation procedure or in the conclusion of a court settlement that is disputed in the litigation, or he made a decision that is disputed, or he represented the party as a lawyer;
7) in the bankruptcy proceedings, as a bankruptcy judge or a member of the bankruptcy panel, he made a decision that led to a dispute.
A judge can be exempted if there are circumstances that cast doubt on his impartiality .
Criminal Procedure Code, Article 37:
A judge or lay judge shall be exempted from judicial duty in a specific case:
1) if he was damaged by a criminal act;
2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a blood relative in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;
3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this Code does not prescribe otherwise.
A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.

(2024): According to the Art. 39 of the Law on Criminal Procedure the request for the recusal can be submitted by parties and the legal representative of the defendant. In civil proceedings parties can request the recusal of the judge according to Article 69 of the Law on Civil Procedure.

(2022): The president of the court decides on the request for exemption from Article 39 of Criminal Procedure Code/ Article 66 of Civil Procedure Code. An appeal is not allowed against the decision rejecting or accepting the request for exemption. Court rules of procedure does not prescribe special register of these cases.

Kosovo*

(General Comment): NA

(2024): In civil procedure, this matter is regulated by Article 68.1 of the Law on Contested Procedure, which states that a party must submit a request for the disqualification of a judge as soon as they become aware of any grounds for disqualification, but no later than the conclusion of the hearing on the case. If no hearing has taken place, the request must be submitted before the issuance of the meritorious decision.
In criminal procedure, this is regulated by Articles 39 and 40 of the Criminal Procedure Code. Article 39 stipulates that a judge must submit a request to the President of the Court if they determine that grounds for disqualification exist. Article 40 outlines the parties' right to request the disqualification of judges.
The number provided includes cases which the party, or the judge has requested recusal of the judge from the case.

Question 162

Albania

(General Comment): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.
According to the Law “On the governance institutions of the justice system”, as amended, High Prosecutorial Council may adopt normative bylaws pursuant to this or other laws with general binding effect on all prosecutors or shall adopt non-binding instructions.
Also, according to Article 48, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", nonbinding instructions on specific issues may be given by:
a) the Prosecutor General for prosecutors General Prosecution;
b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
ç) the Head of the Special Prosecution Office for Special Prosecutors;
d) the head of the section for prosecutors nominated in the relevant section.
Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.
Where the prosecutor disagrees or is uncertain about the instructions given, has the right to request further explanations in writing. The head prosecutor or section is obliged to explain the instructions and repeat them in the same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

(2021): According to the Constitution and Law “On the status of judges and prosecutors”, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them.
According to Article 46/1, 2 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", higher prosecutors may issue general instructions and reasoned in writing, which are binding for lower prosecutors. This kind of instructions may be of administrative and procedural nature.
The general instructions of administrative and procedural nature, according to Article 47/1, 2, of the above mentioned law, may be appealed from lower prosecutors at High Prosecutorial Council. The prosecutor is obliged to follow the appealed instruction except the case that he evaluates that, this instruction is clearly illegal. The prosecutor bears no responsibility for appealing and non-compliance with the instruction except when he acts openly in violation of the law and with malice or gross negligence.
According to Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", non-binding instructions on specific issues may be given by:
a) the Prosecutor General for prosecutors of General Prosecution;
b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
ç) the Head of the Special Prosecution Office for Special Prosecutors;
d) the head of the section for prosecutors nominated in the relevant section.
Instruction on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.
Where the prosecutor disagrees or is uncertain about the instructions given, has the right to request further explanations in writing. The head prosecutor or section is obliged to explain the instructions and repeat them in the same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.
Instruction on specific issues, according to Article 48, of this law are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction, notify in written the head of the prosecution or the section.

Bosnia and Herzegovina

(General Comment): In December 2021, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the guidelines requiring the chief prosecutors in the country to prescribe internal procedure for issuing specific instructions. The guidelines read as follows: The chief prosecutor gives mandatory individual instructions for taking procedural and substantive prosecutorial decisions in accordance with the law. The instructions must be issued in writing and entered in the case file. The prosecutor is obliged to act in accordance with the individual instructions given by the chief prosecutor unless following such instructions would mean a violation of the law. If the prosecutor disagrees with the individual instructions, he will submit his dissenting opinion to the chief prosecutor. The chief prosecutor, after obtaining the opinion of the collegiate of the prosecutor's office, makes an elaborate decision in relation to the prosecutor's dissenting opinion. The chief prosecutors issued specific instructions to public prosecutors to make a certain decision (i.e. to investigate or not, to prosecute or not) or take a certain action in a total of 80 cases in 2022, following the general guidelines that the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted requiring the chief prosecutors to prescribe internal procedure for issuing specific instructions.

(2019): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law and on the forfeiture of property gain obtained by the commission of a criminal offence; to propose the issuance of a warrant for pronouncement of the sentence pursuant to the Code; to issue and defend indictment before the Court; to file legal remedies; to perform other tasks as provided by law. Senior public prosecutor shall have the right and duty to give mandatory instructions to the junior public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of junior public prosecutor; authorize a different junior public prosecutor to process individual cases that are within the competence of the junior public prosecutor; authorize a junior public prosecutor to perform individual activities that are within the competence of another junior public prosecutor.

North Macedonia

(General Comment): The guarantees are contained in the Law on Public Prosecution office (2020)
12.COMPULSORY GENERAL WRITTEN INSTRUCTIONS
Article 56
(1)The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.
(2)A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.
(3)The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.
(4)The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.
(5)The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Serbia

(General Comment): In accordance with the Constitution of the Republic of Serbia and the Law on Public Prosecution no one outside the Public Prosecution can influence the Public Prosecution and the holders of the prosecutorial function in handling and deciding on a particular case.

Furthermore, the Law on Public Prosecution envisages that in order to preserve the authority and impartiality of the public rosecution, inappropriate influence on the holder of the prosecutorial function in the performance of their function is prohibited, especially any form of threat and coercion, the use of public positions, the media and public speaking. Any other inappropriate influence on the public prosecution, as well as pressure on the participant in the proceedings before the public prosecution, is prohibited.

The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecution, as well as to report such influence to the High Prosecutorial Council.

However, according to the Law on Public Prosecution, the immediately higher Chief Public Prosecutor can issue a mandatory instruction to a lower Chief Public Prosecutor for handling certain cases when there is a doubt about the efficiency and legality of his action, Chief Public Prosecutor can issue mandatory instruction to Public Prosecutor (former Deputy Public Prosecutor) within the same Public Prosecution and the Supreme Public Prosecutor (General Prosecutor) to every Chief Public Prosecutor.

Instructions of the General Prosecutor are issued in order to achieve legality, effectiveness and uniformity in the actions of Public Prosecution in cases regarding certain area of criminality or certain criminal acts (such as domestic violence, trafficking in human beings, etc.), but also in order to enhance the level of protection of certain vulnerable group (such as journalists, etc.).

(2024): In accordance with the Constitution of the Republic of Serbia and the Law on Public Prosecution no one outside the Public Prosecution can influence the Public Prosecution and the holders of the prosecutorial function in handling and deciding on a particular case.

Furthermore, the Law on Public Prosecution envisages that in order to preserve the authority and impartiality of the public rosecution, inappropriate influence on the holder of the prosecutorial function in the performance of their function is prohibited, especially any form of threat and coercion, the use of public positions, the media and public speaking. Any other inappropriate influence on the public prosecution, as well as pressure on the participant in the proceedings before the public prosecution, is prohibited.

The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecution, as well as to report such influence to the High Prosecutorial Council.

However, according to the Law on Public Prosecution, the immediately higher Chief Public Prosecutor can issue a mandatory instruction to a lower Chief Public Prosecutor for handling certain cases when there is a doubt about the efficiency and legality of his action, Chief Public Prosecutor can issue mandatory instruction to Public Prosecutor (former Deputy Public Prosecutor) within the same Public Prosecution and the Supreme Public Prosecutor (General Prosecutor) to every Chief Public Prosecutor.

Instructions of the General Prosecutor are issued in order to achieve legality, effectiveness and uniformity in the actions of Public Prosecution in cases regarding certain area of criminality or certain criminal acts (such as domestic violence, trafficking in human beings, etc.), but also in order to enhance the level of protection of certain vulnerable group (such as journalists, etc.).

(2023): In accordance with the Constitution of the Republic of Serbia and the Law on Public Prosecution no one outside the Public Prosecution can influence the Public Prosecution and the holders of the prosecutorial function in handling and deciding on a particular case.
Furthermore, the Law on Public Prosecution envisages that in order to preserve the authority and impartiality of the public rosecution, inappropriate influence on the holder of the prosecutorial function in the performance of their function is prohibited, especially any form of threat and coercion, the use of public positions, the media and public speaking. Any other inappropriate influence on the public prosecution, as well as pressure on the participant in the proceedings before the public prosecution, is prohibited.
The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecution, as well as to report such influence to the High Prosecutorial Council.
However, according to the Law on Public Prosecution, the immediately higher Chief Public Prosecutor can issue a mandatory instruction to a lower Chief Public Prosecutor for handling certain cases when there is a doubt about the efficiency and legality of his action, Chief Public Prosecutor can issue mandatory instruction to Public Prosecutor (former Deputy Public Prosecutor) within the same Public Prosecution and the Supreme Public Prosecutor (General Prosecutor) to every Chief Public Prosecutor.
Instructions of the General Prosecutor are issued in order to achieve legality, effectiveness and uniformity in the actions of Public Prosecution in cases regarding certain area of criminality or certain criminal acts (such as domestic violence, trafficking in human beings, etc.), but also in order to enhance the level of protection of certain vulnerable group (such as journalists, etc.).

Kosovo*

(General Comment): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states:
“It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.”

(2024): Article 4 of Law on State Prosecutor
Independence and Impartiality of State Prosecutor
1. The State Prosecutor is an independent institution that exercises its functions in an impartial manner.
2. The State Prosecutor and each prosecutor ensures equal, objective and unbiased treatment for all persons before the law, without any discrimination, by respecting the fundamental human rights and freedoms determined by the Constitution, legislation into force and international conventions.
3. It shall be unlawful for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding or case.

(2023): Article 4 of Law on State Prosecutor
Independence and Impartiality of State Prosecutor
1. The State Prosecutor is an independent institution that exercises its functions in an impartial manner.
2. The State Prosecutor and each prosecutor ensures equal, objective and unbiased treatment for all persons before the law, without any discrimination, by respecting the fundamental human rights and freedoms determined by the Constitution, legislation into force and international conventions.
3. It shall be unlawful for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding or case.
Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.

(2022): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states: “It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.

Question 162-0

Albania

(General Comment): Article 148 of the Constitution of Albania
1. The Prosecution Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecution Office performs other duties in accordance with the law.
2. The Prosecution Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute, in accordance with the law.
3. The prosecution is organized and functions near the judiciary system.
4. A Special Prosecution Office, which is independent from the Prosecutor General, and an independent investigation unit, shall investigate and prosecute corruption, organized crime and crimes in accordance with article 135 paragraph 2 of the Constitution. The independent investigation unit shall be subordinate to the Special Prosecution Office.

(2024): The principle of the independence of public prosecution service is enriched in Article 148, of the Constitution, where it is confirmed that, the prosecution is an independent institution which guarantee well-functioning of, the control of its activity and respect the independence of the prosecutors during criminal investigation, according to the law. Article 149 of the Constitution establishes the High Prosecutorial Council as the independent governing body mandated to guarantee the independence, accountability, discipline, status and career of prosecutors.
Also, in Article 3, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended and in Articles 3, 4 and 6 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, is provided that prosecutors exercise their functions in an independent way and the law guarantees the necessary independence and autonomy for decision-making during the exercise by prosecutors of their constitutional and legal function, regardless of illegal internal or external influence from any public or private authority. According to Article 148/b, letter “ç”, of the Constitution, the General Prosecutor propose and administer the budget of the prosecution office. Also, in Article 40, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, the prosecution has an independent budget, as part of the state budget and is provided in a separate item.

Bosnia and Herzegovina

(General comment) The judicial system in Bosnia and Herzegovina is consisted of both courts and prosecutor's offices, as mutually independent institutions in performing their powers. The law establishes prosecutor's offices and courts as autonomous institutions. Judges and prosecutors are considered to be judicial office holders. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina– an institution with mixed composition- appoints judges and prosecutors; it has identical competences over issues regarding both judges and prosecutors/courts and prosecutor's offices. The same legislation regulates salaries of public prosecutors and judges. Prosecutor's offices have their own respective budgets, adopted by parliaments in the procedure applicable to all other public institutions. Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions.

The basic right and the basic duty of the prosecutor is the detection and prosecution of perpetrators of criminal offenses. The prosecutor has have the following rights and duties: a) as soon as the prosecutor becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; b) to conduct an investigation in accordance with the law; c) to grant immunity in accordance with law; d) to request information from governmental bodies, companies and other physical and legal persons; e) to issue summonses and orders and to propose the issuance of summonses and orders in accordance with the law; f) to order authorized officials to execute an order issued by the court as provided by the law; g) to propose the issuance of a warrant for pronouncement of the sentence; h) to issue and defend indictment before the court; i) to file legal remedies; j) to perform other tasks as provided by the law.

The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programmes of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the

Montenegro

(General Comment): Constitution of Montenegro
STATE PROSECUTION
Status and responsibility
Article 134
The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

(2021): Constitution of Montenegro
STATE PROSECUTION
Status and responsibility
Article 134
The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

North Macedonia

(General comment): The guarantees are part of the Constitution and the Law on Public Prosecution Office.

Constitution of Republic of North Macedonia

Article 106

Public Prosecution Office

The Public Prosecution Office is a single and autonomous state body prosecuting persons that have committed crimes and other punishable acts determined by a law and performs other activities determined by a law.

The Public Prosecution Office performs its duties on the basis of the Constitution and the laws and the international agreements ratified in accordance with the Constitution.

The function of the Public Prosecution Office is performed by the public prosecutor of the Republic of North Macedonia and by the public prosecutors.

The competences, establishment, termination, organization and operation of the Public Prosecution Office is regulated by a law adopted by a two thirds majority vote of the total number of representatives.

The public prosecutor of the Republic of North Macedonia is appointed and dismissed by the Assembly of the Republic of North Macedonia for a term of six years with the right to reelection.

The public prosecutors are elected by the Council of Public Prosecutors without limitation of the duration of the term of office.

Law on Public Prosecution office (2020)

Article 2

The public prosecutor's office shall be the sole independent state body prosecuting perpetrators of criminal offences and other acts punishable by law, and performs other duties as stipulated by law.

Article 3

The public prosecutor's office shall be organized according to the principles of hierarchy and subordination.

The public prosecutor's office shall be an independent state body.

The observance of the principles referred to in paragraph (1) of this Article shall not jeopardize the independence and responsibility of each public prosecutor in the performance of their function.

Article 6

The public prosecutorial office is incompatible with the performance of any other public office or profession, except in cases determined by law or in case of membership of a political party or participation in the activities of a political party.

Article 7

Serbia

(General Comment): CONSTITUTION OF THE REPUBLIC OF SERBIA
("Official Gazette of RS", no. 98/2006 and 115/2021)
8. Public prosecutions
Position
Article 155
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.
No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.
The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.
The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.
The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors.
The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.
Hierarchical powers and legal remedies against them are more closely regulated by law.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)Public prosecution
Article 2
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its competences on the basis of the Constitution, a confirmed international treaty, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.

(2024): CONSTITUTION OF THE REPUBLIC OF SERBIA ("Official Gazette of RS", no. 98/2006 and 115/2021)
8. Public prosecutions
Position
Article 155
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.
No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.
The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.
The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.
The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors.
The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.
Hierarchical powers and legal remedies against them are more closely regulated by law.
THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)Public prosecution
Article 2
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its competences on the basis of the Constitution, a confirmed international treaty, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.

(2023): CONSTITUTION OF THE REPUBLIC OF SERBIA
("Official Gazette of RS", no. 98/2006 and 115/2021)
8. Public prosecutions
Position
Article 155
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.
No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.
The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.
The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.
The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors.
The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.
Hierarchical powers and legal remedies against them are more closely regulated by law.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)Public prosecution
Article 2
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its competences on the basis of the Constitution, a confirmed international treaty, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.

(2022): Constitution of the Republic of Serbia, Article 155 (1): The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.

Kosovo*

(General Comment): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution and by law.

(2024): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.

(2023): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.

(2022): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution (Articles 109-110), the Law on State Prosecution (Article 3), and the Law on the Kosovo Prosecutorial Council (Articles 3-4).

(2021): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.

Question 162-1

Albania

(2024): Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, provides that, on concrete cases the head of the office may issue non-binding instructions to a prosecutor investigating a case.

(2023): Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, provides that, on concrete cases may be given non-binding instructions.

Bosnia and Herzegovina

(General Comment): Please see the general comments provided in relation to Q 162.

(2022): Please see the comments in the general comments section (Q162).

(2021): Please see the comments in the general comments (Q162-0).

North Macedonia

(General Comment): According to the article 56 of Law on Public Prosecution office, only reasoned compulsory general written instructions, which refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.
The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.
For example, only general written instructions for all prosecutors about the expenses in the criminal procedure or general written instructions for on-call shifts of public prosecutors.

(2021): These guarantees are contained in the Law on Public Prosecution office (2020)
12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS
Article 56
(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.
(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.
(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.
(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.
(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Serbia
(2024): Any undue influence is prohibited. There is however a possibility of a higher public prosecutor's office to issue a mandatory instruction in a concrete case. A legal remedy for this is specified by the Constitution – an objection to the mandatory instruction to HPC

(2023): Any undue influence is prohibited. There is however a possibility of a higher public prosecutor's office to issue a mandatory instruction in a concrete case. A legal remedy for this is specified by the Constitution – an objection to the mandatory instruction to HPC.

(2022): Please see the previous answer.

Kosovo*

(General Comment): Article 20 of Law on State Prosecutor
Competences and Responsibilities of the Chief State Prosecutor
1 The Chief State Prosecutor is the head of the Office of the State Prosecutor and has these competencies and responsibilities:
1.6. issues in writing mandatory rules, instructions and general decisions for all chief prosecutors and prosecutors in order to implement legality, increase efficiency and unique implementation of practices and legislation;
1.9. may give written guidelines to the Chief Prosecutor of a prosecution office or to any prosecutor of any prosecution office for the specific work, for the purpose of efficient development of the proceedings or other important reasons, when he considers that there is negligence, professional incompetence or failure to implement legality. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors;
Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.

(2021): Article 23 of Law on State Prosecutor
Immunity
1. Prosecutors shall be immune from prosecution, civil lawsuit and dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities.
2. Prosecutors shall not enjoy immunity and may be removed from office if they have committed an intentional violation of the law.
3. When a prosecutor is indicted or arrested, he or she shall immediately give notice to the Chief State Prosecutor without delay.

Question 162-2

Albania
(General Comment): Exceptionally, where circumstances do not allow, these instructions may be given verbally and, within a reasonable time, confirmed in writing.

(2024): Exceptionally, where circumstances do not allow, these instructions may be given verbally and, within a reasonable time, confirmed in writing.

Bosnia and Herzegovina

(General Comment): The instructions are issued in writing. Exceptionally, in emergency situations, instructions can be issued in oral form. The prosecutor may subsequently request that written instructions be issued.

(2022): Please see the general comments provided in relation to Q 162.

Montenegro

(General Comment): The Prosecution Service is, per se, a hierarchical organization and instructions are defined by the Law on State Prosecution Service. Instructions can be oral and written, and there is a procedure to be objected by the prosecutor if deemed unlawful on unfounded. According to Article 132, § 1, of the Law on the State Prosecution Service: "Instructions for proceedings in an individual case shall be issued in written form and with the explanation. Exceptionally, when the circumstances do not allow for that, the instruction may be issued in an oral form, but is shall also be issued in written form within the appropriate time-frame".
According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

(2023): see general comment also

(2022): see general comment also

Serbia

(2023): The mandatory instruction is issued in written form and must contain the reason and explanation for its issuance.
As an exception, the General Prosecutor and Chief Public Prosecutor may issue an oral mandatory instruction when it is necessary to undertake actions that cannot be delayed. In that case, the mandatory instruction in written form is delivered within three days from the day of issuing the oral instruction.

(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.
The mandatory instruction is issued in written form and must contain the reason and explanation for its issuance.
As an exception, the public prosecutor may issue an oral mandatory instruction when it is necessary to undertake actions that cannot be delayed. In that case, the mandatory instruction in written form is delivered within three days from the day of issuing the oral instruction.

Question 162-2-0

Albania
(General Comment): Other authorities who may issue specific instructions are also the Head of Special Prosecution for prosecutors in the Special Prosecution Office and the head of section for prosecutors in the relevant section.

(2023): Other authorities who may issue specific instructions are also the Head of Special Prosecution for prosecutors in the Special Prosecution Office and dhe head of section for prosecutors in the relevant section.

Bosnia and Herzegovina
(General Comment): Please see the general comments provided in relation to Q 162.

Montenegro
(General Comment): Law on State Prosecution Service, Articles 131 and 132.

Serbia
(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Question 162-3

Bosnia and Herzegovina
(General Comment): Please see the general comments provided in relation to Q 162.

(2022): Please see the general comments provided in relation to Q 162.

Serbia

(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Kosovo*

(General Comment): Article 20 of Law on State Prosecutor
Competences and Responsibilities of the Chief State Prosecutor
1 The Chief State Prosecutor is the head of the Office of the State Prosecutor and has these competencies and responsibilities:
1.6. issues in writing mandatory rules, instructions and general decisions for all chief prosecutors and prosecutors in order to implement legality, increase efficiency and unique implementation of practices and legislation;
1.9. may give written guidelines to the Chief Prosecutor of a prosecution office or to any prosecutor of any prosecution office for the specific work, for the purpose of efficient development of the proceedings or other important reasons, when he considers that there is negligence, professional incompetence or failure to implement legality. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors;
Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.

Question 162-4

Bosnia and Herzegovina

(2022): Please see the general comments provided in relation to Q 162.

Serbia

(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Question 162-4-1

Bosnia and Herzegovina

(2024): Data on the number of instructions were collected from the prosecutor's offices. The number of instructions issued in 2024 was slightly lower than the number of instructions from the previous reporting year (i.e. 2023:27).

(2023): Data on the number of instructions were collected from the prosecutor's offices. The number of instructions issued in 2023 is significantly lower than the number of instructions from the previous reporting year. The prosecutor's offices did not provide a specific explanation for these disparities.

(2022): Please see the general comments provided in relation to Q 162.

Montenegro

(2022): One general instruction was issued to all state prosecutor’s offices.
Two individual instructions were issued to state prosecutors for prosecution.

Serbia

(2024): During 2024 total of 59 prosecutorial instructions were issued:
-1 instruction was issued by the General Prosecutor related to torture and ill-treatment cases, - 30 instructions were issued by the immediately higher Chief Public Prosecutor to a lower Chief Public Prosecutor
- 28 were issued by Chief Public Prosecutor to Public Prosecutor within the same Public Prosecution

(2023): During 2023 total of 47 prosecutorial instructions were issued:
-1 instruction was issued by the General Prosecutor related to traffick accidents,
- 27 instructions were issued by the immediately higher Chief Public Prosecutor to a lower Chief Public Prosecutor
- 19 were issued by Chief Public Prosecutor to Public Prosecutor within the same Public Prosecution.

(2022): During 2022 total of 38 instructions were issued, out of that number 1 instruction was issued by the General Prosecutor, 7 instructions were issued by the immediately higher public prosecutor to a lower public prosecutor and 30 were issued by public prosecutor to his/her deputy.

Question 162-5

Albania

(General Comment): According to Article 48/2, 5, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.

(2024): According to Article 48/2, 5, of the Law no. 97/2016 "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution office or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.

(2023): According to Article 48/2, 5, of the Law no. 97/2016 "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to as ask further written explanations in relation with the instruction. The head of the prosecution office or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.

Bosnia and Herzegovina

(General Comment): Please see the general comments provided in relation to Q 162.

Montenegro

(General Comment): According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

(2024): see general comment

Serbia

(General Comment): A lower Chief Public Prosecutor and a Public Prosecutor who believes that the mandatory instruction for work and action in a particular case is illegal or unfounded may file an objection with an explanation to a special commission within three days of receiving the written instruction.

The objection is submitted through the Chief Public Prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction he issued within three days of receiving the objection.

The Chief Public Prosecutor who issued a mandatory instruction may, before submitting an objection to the commission, make a decision revoking his mandatory instruction for work and action in a particular case.

If the Chief Public Prosecutor does not revoke his mandatory instruction, he is obliged to submit the objection to the commission on the next day after the expiration of the prescribed period of three days.

Failure of the Chief Public Prosecutor to act within the prescribed period is considered a disciplinary offense.

The Chief Public Prosecutor and the Public Prosecutor who filed the objection are obliged to take action in a particular case according to the mandatory instructions, which cannot be delayed.

The commission is obliged to make a reasoned decision on the objection within eight days from the day of receipt of the objection, at a session that is closed to the public. If the commission does not make a decision on the objection within the deadline, it is considered that the mandatory instruction for proceeding in a particular case has been annuled, which is recorded in the case files.

The commission can reject the objection against the mandatory instruction for work and action in a particular case as untimely, accept the objection and cancel the mandatory instruction for work and action in a particular case, or reject the objection as unfounded.

If the commission rejects the objection against the mandatory instruction, the Chief Public Prosecutor/the Public Prosecutor who filed the objection, is obliged to act according to the mandatory instruction for work and action in the specific case.

Mandatory instructions for work and action in a particular case, objection against a mandatory instruction, decision of the Chief Public Prosecutor on repealing mandatory instructions for work and action in a particular case and the decision of the commission on objection against a mandatory instruction are an integral part of the prosecutorial case file.

(2024): A lower Chief Public Prosecutor and a Public Prosecutor who believes that the mandatory instruction for work and action in a particular case is illegal or unfounded may file an objection with an explanation to a special commission within three days of receiving the written instruction.
The objection is submitted through the Chief Public Prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction he issued within three days of receiving the objection.
The Chief Public Prosecutor who issued a mandatory instruction may, before submitting an objection to the commission, make a decision revoking his mandatory instruction for work and action in a particular case.
If the Chief Public Prosecutor does not revoke his mandatory instruction, he is obliged to submit the objection to the commission on the next day after the expiration of the prescribed period of three days.
Failure of the Chief Public Prosecutor to act within the prescribed period is considered a disciplinary offense.
The Chief Public Prosecutor and the Public Prosecutor who filed the objection are obliged to take action in a particular case according to the mandatory instructions, which cannot be delayed.
The commission is obliged to make a reasoned decision on the objection within eight days from the day of receipt of the objection, at a session that is closed to the public. If the commission does not make a decision on the objection within the deadline, it is considered that the mandatory instruction for proceeding in a particular case has been annuled, which is recorded in the case files.
The commission can reject the objection against the mandatory instruction for work and action in a particular case as untimely, accept the objection and cancel the mandatory instruction for work and action in a particular case, or reject the objection as unfounded.
If the commission rejects the objection against the mandatory instruction, the Chief Public Prosecutor/the Public Prosecutor who filed the objection, is obliged to act according to the mandatory instruction for work and action in the specific case.
Mandatory instructions for work and action in a particular case, objection against a mandatory instruction, decision of the Chief Public Prosecutor on repealing mandatory instructions for work and action in a particular case and the decision of the commission on objection against a mandatory instruction are an integral part of the prosecutorial case file.

(2023): A lower Chief Public Prosecutor and a Public Prosecutor who believes that the mandatory instruction for work and action in a particular case is illegal or unfounded may file an objection with an explanation to a special commission within three days of receiving the written instruction.
The objection is submitted through the Chief Public Prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction he issued within three days of receiving the objection.
The Chief Public Prosecutor who issued a mandatory instruction may, before submitting an objection to the commission, make a decision revoking his mandatory instruction for work and action in a particular case.
If the Chief Public Prosecutor does not revoke his mandatory instruction, he is obliged to submit the objection to the commission on the next day after the expiration of the prescribed period of three days.
Failure of the Chief Public Prosecutor to act within the prescribed period is considered a disciplinary offense.
The Chief Public Prosecutor and the Public Prosecutor who filed the objection are obliged to take action in a particular case according to the mandatory instructions, which cannot be delayed.
The commission is obliged to make a reasoned decision on the objection within eight days from the day of receipt of the objection, at a session that is closed to the public. If the commission does not make a decision on the objection within the deadline, it is considered that the mandatory instruction for proceeding in a particular case has been annuled, which is recorded in the case files.
The commission can reject the objection against the mandatory instruction for work and action in a particular case as untimely, accept the objection and cancel the mandatory instruction for work and action in a particular case, or reject the objection as unfounded.
If the commission rejects the objection against the mandatory instruction, the Chief Public Prosecutor/the Public Prosecutor who filed the objection, is obliged to act according to the mandatory instruction for work and action in the specific case.
Mandatory instructions for work and action in a particular case, objection against a mandatory instruction, decision of the Chief Public Prosecutor on repealing mandatory instructions for work and action in a particular case and the decision of the commission on objection against a mandatory instruction are an integral part of the prosecutorial case file.

Kosovo*

(General Comment): Article 21 of Law on State Prosecutor
Competences and Responsibilities of Chief Prosecutors
1.The Chief Prosecutor has these competencies and responsibilities:
1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.

Question 164

Albania

(2022): The judges' independence is guaranteed by the constitution, by special law, by Procedural Codes both civil and penal as well as bylaws (e.g. Code of ethics)

Bosnia and Herzegovina

(General Comment): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:
a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.
According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

(2019): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:
a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.
According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining
disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding
upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of
judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional
training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

Montenegro
(2021): Law on the judicial Council and Judges

North Macedonia
(General Comment): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

(2024): Guarantees of the independence of judges are regulated in the Constitution, the Law on courts, the Law on Judicial Council of the Republic of North Macedonia, the Law on court budget and other relevant laws in the field of judiciary.

(2023): Guarantees of the independence of judges are regulated in the Constitution, the Law on courts, the Law on Judicial Council of the Republic of North Macedonia, the Law on court budget and other relevent laws in the field of judiciary.

(2022): Guarantees of the independence of judges are regulated in the Constitution and the Law on courts.

(2021): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

Serbia

(General Comment): Constitution of the Republic of Serbia
Law on Judges;
Law on organization of courts;
Law on High Judicial Council ;
Rules of procedure of the High Judicial Council

(2024): CONSTITUTION OF THE REPUBLIC OF SERBIA ("Official Gazette of RS", no. 98/2006 and 115/2021)
LAW ABOUT JUDGES ("Official Gazette of RS", No. 10/2023)

(2023): CONSTITUTION OF THE REPUBLIC OF SERBIA
("Official Gazette of RS", no. 98/2006 and 115/2021)
the LAW
ABOUT JUDGES
("Official Gazette of RS", No. 10/2023)

(2022): Law on Judges;
Law on organization of courts;
Law on High Judicial Council ;
Rules of procedure of the High Judicial Council

(2021): NA

Kosovo*

(General Comment): NA

(2024): Article 102, paragraphs 2 and 4 of the Constitution of Kosovo state that:
The judicial power is unified, independent, fair, apolitical, and impartial, ensuring equal access to the courts.
Judges, in the exercise of their functions, must be independent and impartial.
Additionally, according to Article 4, paragraphs 1 and 2 of Law No. 06/L-054 on Courts:
The courts established under this law adjudicate in accordance with the Constitution of the Republic of Kosovo and the laws in force in the Republic of Kosovo.
Judges, in the exercise of their functions and in making decisions, shall be independent, impartial, and free from any influence by any natural or legal person, including public authorities.

(2022): The independence of judges is guaranteed in the Constitution of Kosovo, Article 102 [General Principles of the Judicial System]. It stipulates: The judicial power is unique, independent, fair, apolitical and impartial and ensures equal access to the courts. Also fourth paragraph ascertains that judges shall be independent and impartial in exercising their functions. The Law on Courts, Article 4: "Independence and Impartiality of the Courts" 1. The Courts established by this Law shall adjudicate in accordance with the Constitution of the Republic of Kosovo and the applicable Laws in the Republic of Kosovo.
2. Judges while exercising their function and taking decisions shall be independent, impartial, uninfluenced in any way by any natural or legal person, including public bodies.

Question 166

Bosnia and Herzegovina

(General Comment): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the performance prosecutors' offices, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for prosecutors.

(2019): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.
The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training;determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the performance prosecutors' offices, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for prosecutors.

North Macedonia

(General Comment): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

(2024): Guarantees of the independence of prosecutors are regulated in the Constitution, the Law on Public Prosecution office, the Law on Council of Public Prosecutors and other relevant laws in the field of judiciary.

(2023): Guarantees of the independence of prosecutors are regulated in the Constitution, the Law on Public Prosecution office, the Law on Council of Public Prosecutors and other relevent laws in the field of judiciary.

(2022): Guarantees of the independence of prosecutors are regulated in the Constitution and the Law on Public Prosecution office.

(2021): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

Serbia

(General Comment): Constitution of the Republic of Serbia
Law on Public Prosecutor's office;
Law on High Prosecutorial Council ;
Rules of procedure of the State Prosecutorial Council

(2014), CONSTITUTION OF THE REPUBLIC OF SERBIA ("Official Gazette of RS", no. 98/06, 2006 and 115, 2021)

8. Public prosecutions

Position

Article 155

The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.

The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.

No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.

The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.

The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.

The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors. The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.

Hierarchical powers and legal remedies against them are more closely regulated by law.

THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE ("Official Gazette of RS", No. 10/2023)

Prohibition of undue influence Article 6.

In order to preserve the authority and impartiality of the public prosecutor's office, inappropriate influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of public positions, the media and public speaking, which influence the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.

The use of legally prescribed rights of participants in the proceedings, reporting on the work of the public prosecution in accordance with the regulations governing public information, as well as expert analysis of the actions of the public prosecution, cannot be considered under undue influence from paragraph 1 of this article.

The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecutor's Office, as well as to report such influence to the High Council of the Prosecutor's Office.

The holder of the office of public prosecutor may submit a request for protection against undue influence to the High Council of Prosecutors.

The method of submitting and the procedure for requesting protection from undue influence shall be prescribed by an act of the High Prosecutorial Council.

(2022): CONSTITUTION OF THE REPUBLIC OF SERBIA
("Official Gazette of RS", no. 98/2006 and 115/2021)
8. Public prosecutions
Position
Article 155
The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.
The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.
No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.
The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.
The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.
The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors.
The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.
Hierarchical powers and legal remedies against them are more closely regulated by law.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)Prohibition of undue influence
Article 6.
In order to preserve the authority and impartiality of the public prosecutor's office, inappropriate influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of public positions, the media and public speaking, which influence the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.
The use of legally prescribed rights of participants in the proceedings, reporting on the work of the public prosecution in accordance with the regulations governing public information, as well as expert analysis of the actions of the public prosecution, cannot be considered under undue influence from paragraph 1 of this article.
The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of

(2022): Constitution of the Republic of Serbia
Law on Public Prosecutor's office;
Law on State Prosecutorial Council ;
Rules of procedure of the State Prosecutorial Council

Question 171

Albania

(2021): In accordance with Article 148/d, point 4, of the Constitution and Article 151, of Law "On the status of judges and prosecutors in the Republic of Albania", as a result of the initiation of criminal proceedings for criminal offenses such as "Abuse of duty" or "Passive corruption of judges, prosecutors and other officials of the judiciary", during 2021, the High Prosecution Council has imposed the measure of suspension from duty for 3 (three) prosecutors.

Bosnia and Herzegovina

(2024): One judge received suspended sentence for domestic violence, which led to termination of his mandate. Other case for another judge is was ongoing at the end of the reporting year. In addition, the criminal case which had started during the reporting year against one of the prosecutors was closed after he died in 2024.

(2023): Although no judges or prosecutors were indicted in 2023, two criminal investigations were initiated by prosecutor's office – one against court president and one against prosecutor but indictments have not been confirmed by the competent courts yet. It should also be noted that judicial institutions are not formally obliged to inform HJPC regarding criminal proceedings against judges or prosecutors whose mandate was ceased (e.g. resignation or retirement).

(2022): ODC was informed about three investigations initiated against two judges and one prosecutor. ODC wasn't informed about end of the investigations.
One judge was sentenced to one-year prison sentence for corruptive criminal offence, in proceeding initiated last year.

(2019): In addition to one criminal case initiated against one judge in 2019, it should be noted that there are also pending criminal cases against 3 judges and 5 prosecutors that had been initiated in previous years.

Montenegro

(2024): One first instance court decision was made against prosecutor, so the appeal procedure is ongoing.

Kosovo*

(2021): For the 30 completed cases, 29 cases were with dismissal of criminal report and 1 case termination of investigation.

Question 172-0

Albania

(2024): - HIDAACI periodic declarations.
- There are procedures in place stipulated by the law on whistleblowers, regulations on gifts, as well as specific trainings by the School of Magistrates on corruption, the Judge of Ethics also plays an important role on specific matters, HIDAACI and the vetting process controls assets, the HIJC controls assets of new appointed magistrates. The mandatory rotation of judges is not a measure, that should be inadvertent. https://klgj.al/wp-content/uploads/2021/04/VENDIM-NR.-171-DAT%c3%8b-22.04.2021-P%c3%8bR-MIRATIMIN-E-%e2%80%9cKODI-I-ETIK%c3%8bS-GJYQ%c3%8bSORE%e2%80%9d.pdf
- The school of magistrate is in charge for trainings.

(2023): NA

(2022): There are procedures in place stipulated by the law on whistleblowers, regulations on gifts, as well as specific trainings by the School of Magistrates on corruption, the Judge of Ethics also plays an important role on specific matters, HIDAACI and the vetting process controls assets, the HIJC controls assets of new appointed magistrates. The mandatory rotation of judges is not a measure, that should be inadvertent. https://klgj.al/wp-content/uploads/2021/04/VENDIM-NR.-171-DAT%c3%8b-22.04.2021-P%c3%8bR-MIRATIMIN-E-%e2%80%9cKODI-I-ETIK%c3%8bS-GJYQ%c3%8bSORE%e2%80%9d.pdf

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Guidelines for the prevention of conflicts of interest in the judiciary (July 2016), covering a) incompatibilities; b) reporting on property, income, obligations and interests; c) gifts and other benefits; d) contacts with third persons and abuse of confidential information; e) nepotism; and f) education and awareness-raising. The Guidelines elaborate the existing legislation and code of ethics and go into further detail with practical “do’s and don’ts” in a variety of situations.
There is an automated case assignment system in place, where cases are randomly assigned to judges, according to predetermined criteria.
In a situation where the judge to whom a case is assigned must, as required by law, be disqualified or recused from further proceedings, the case will be reassigned to another judge by the Court President or his deputy.
Disqualification of judges is governed by the civil procedure codes in Bosnia and Herzegovina (Law on Civil Procedure before the Court of BiH and civil procedure codes of the BiH Federation, Republika Srpska and Brcko District of BiH), which stipulate that:
a) the judge may be disqualified if circumstances exist that cast doubt to his impartiality (disqualification); b) the motion for disqualification of a judge shall be decided by Court President, and the motion for disqualification of Court President shall be decided by the court in plenary session; c) the provisions on disqualification of judges shall apply, mutatis mutandis, to record keepers. The criminal procedure codes of BiH, BiH Federation, Republika Srpska and Brcko District of BiH stipulate that:
a) the provisions on disqualification of a judge shall accordingly be applied to prosecutors and persons authorised to represent the prosecutor in the proceedings, record keepers, court interpreters and other staff members; b) the prosecutor shall decide the disqualification of persons authorised to represent him in criminal proceedings, and the Collegium of the Prosecutor’s Office shall decide the disqualification of the prosecutor. c) the panel, presiding judge or judge shall decide the disqualification of record keepers, court interpreters and other staff member, and, until the indictment is filed, it shall be decided by the prosecutor. In a situation where the judge to whom a case is assigned must be disqualified or recused from the case, the case will be reassigned to another judge. The same rule applies to prosecutors.
Case reassignment is governed by the books of rules on the case management systems in courts and prosecutor's offices (the Book of Rules on CMS and the Book of Rules on TCMS).
The case is reassigned to another judge by the Court President or a person authorised by him, who must state the grounds for reassignment.
The case is reassigned to another prosecutor by the Chief Prosecutor, who must state the grounds for reassignment.

Montenegro

(2024): Integrity plans;
Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.
Prevention of conflict of interest in the exercise of public functions
Article 7
A public official shall perform his/her function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.
The conflict of interest in the exercise of public function exists when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function.
The Agency shall establish the existence of a conflict of interest and implement measures for prevention of conflict of interest.
Opinions about the existence of conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of this Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and property by public officials, which are issued or adopted by the Agency in accordance with this Law, shall be binding for a public official.
It shall be deemed that a public official has violated the provisions of this Law if he fails to act in accordance with the opinion of the Agency referred to in paragraph 4 of this Article and with the obligations laid down in this Law or when he/she acts in a manner that violates the prohibitions and rules prescribed by this Law and other regulations regulating the conflict of interest in areas that are regulated by these regulations.

(2023): Integrity plans;
Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.
Prevention of conflict of interest in the exercise of public functions
Article 7
A public official shall perform his/her function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.
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(2022): Integrity plans;
Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.
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The conflict of interest in the exercise of public function exists when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function.
The Agency shall establish the existence of a conflict of interest and implement measures for prevention of conflict of interest.
Opinions about the existence of conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of this Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and property by public officials, which are issued or adopted by the Agency in accordance with this Law, shall be binding for a public official.
It shall be deemed that a public official has violated the provisions of this Law if he fails to act in accordance with the opinion of the Agency referred to in paragraph 4 of this Article and with the obligations laid down in this Law or when he/she acts in a manner that violates the prohibitions and rules prescribed by this Law and other regulations regulating the conflict of interest in areas that are regulated by these regulations.

Question 172

Bosnia and Herzegovina
(General Comment): https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1198/1178/1359

Question 173

Bosnia and Herzegovina
(2022): The ethical codices are updated on average every two to three years, as a result of monitoring their compliance and ethical practices, and the need for further improvement.

Montenegro
(2022): periodically

Serbia
(2022): 28th December 2022

Kosovo*
(2022): Every year
Code of ethics: https://www.gjyqesori-rks.org/wp-content/uploads/lgsl/Kodi%20Etikes%20Profesionale%20per%20gjyqtar.pdf

Question 173-1

Albania
(2024): The principle of impartiality
gj) he must not accept gifts, favors or benefits, for himself or his relatives, such as may call into question his impartiality. The principle of integrity
e) he does not ask for or accept gifts, loans or favors for himself or his family members, which come to him due to the exercise of his duties. f) may receive symbolic gifts, prizes or benefits, as the case may be, provided that the gift, prize or benefit is not perceived by a reasonable observer as a cause of bias or as an intention to influence the judge in the exercise of his duties.

(2023): NA

(2022): Section 9/gj of the Code of ethics has provisions on relationship with press agencies other paragraphs regulate nondisclosure, it also regulates extrajudicial activities and the use of the term magistrate on those activities.

North Macedonia

Principle:
The independence of the judiciary is a precondition for the rule of law and is a basic guarantee for a fair trial. Therefore, every judge and lay judge should support and set an example for judicial independence, both in terms of individual and institutional aspects.
IMPARTIALITY
Principle:
The judge / lay judge is obliged to perform the trial function impartially, both in decision-making and in conducting procedures.
INTEGRITY
Principle:
Integrity is an attribute of honesty and justice. The judge or lay judge always acts honestly and not only in the performance of official duties, but also in a way that is beneficial for the proper performance of the judicial function.
DIGNITY
Principle:
Decent and appropriate behavior of the judge jurors are essential for the performance of all activities of the judicial office.
EXTRAJUDICAL ACTIVITY
Provided that they perform their judicial duties properly, and in cases when requested, and with the consent of a body determined by law, the lay judge / judge may:
- to write, teach, teach and participate in activities related to the law, the legal system, the administration of justice and similar matters;
CONFLICT OF INTERESTS
Judge / The lay judge must not perform any public or private, paid or unpaid duties, which are contrary to the function of a judge or a lay judge.
- to appear at a public hearing before an official body regarding matters related to law, the legal system, the administration of justice and similar matters;
- to be a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with impartiality and political neutrality; or to engage in other activities if such activities do not adversely affect the dignity and dignity of the judicial office, ie if they do not interfere with the performance of judicial duties;
- the judge / lay judge must not engage in providing legal aid while performing the judicial function;
EQUALITY
Principle:
Ensuring equality of procedure for all before the courts is essential for the proper performance of the judicial function.
INFORMATION DISCLOSURE
The lay judge may not use the confidential information obtained in the performance of his judicial office, and disclose it for any purpose other than for purposes related to judicial

Question 174

Bosnia and Herzegovina
(General Comment): https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1198/1178/1359

Question 175

Albania
(2021): The updating of the Code of Ethics is realised when new circumstances are necessary to take in consideration regarding prosecutor’s ethic conduct or when changes are approved in law.

Question 175-1

Albania
(General Comment): NA

North Macedonia
(2021): Public prosecutors in the performance of their duties, in relations with other bodies, parties and citizens, in the public, as well as in mutual relations are obliged to adhere to the following principles:
- independence;
- impartiality;
- integrity;
- prevention of conflict of interests;
- efficiency and professional action;
- professionalism;
- dignity and
- restraint

Public prosecutors are obliged to ensure confidence in the independence of their work, and in particular:
- in performing their function to be independent in relation to the legislative and executive power, the mass media, citizens' associations, public figures and other persons and to perform their

a function independent of any external influence, restriction, persuasion, pressure or threat in accordance with its own assessment of the evidence and interpretation of legal norms;
- in the performance of their function to refrain from any expression of political views and public appearances of a political nature, except in cases of participation in public hearings that directly relate to the work of the Public Prosecutor's Office, to refrain from the presence of political

rallies or by participating in political activities or campaigns expressed in any way;

Question 176

Bosnia and Herzegovina

(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Question 177

Albania

(2022): According to art 83 of the law no 115/2016, The judge of ethics, (which is a single judge, appointed by HJC) gives opinions on ethic related aspects while the HJC is the responsible body that sets the code of ethics.

Bosnia and Herzegovina

(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

(2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Montenegro

(General Comment): X By judges and other legal professionals
X Other, please specify:
Twofold:
a) The Commission for the Ethics codex of Judges (body of the Judicial Council)
b) In accordance with article 7 of the Law on prevention of corruption, “Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official.”
Also, the Article 4 of the same Law defines that “The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent body, established by the Parliament of Montenegro, in accordance with the present Law.”

North Macedonia

(2021): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee.

The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court of Republic of North Macedonia, as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues. Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

Serbia

(General Comment): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics.

The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.

(2024): The Rulebook of the High Judicial Council's Board of Ethics ("Official Gazette of RS" No. 68/22) stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics. The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.
During 2023, the Board of Ethics acted according to the Rulebook of the High Judicial Council's Board of Ethics ("Official Gazette of RS" No. 68/22), which was applied until 2nd January 2024, when the new Rulebook of the High Judicial Council's Board of Ethics ("Official Gazette of RS" No.116/23)

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The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.

(2021): NA

Kosovo*
(General Comment): NA

(2024): The KJC has established the Advisory Committee on Judicial Ethics, where all judges have the right to seek opinions on issues related to ethics.

(2022): KJC has approved the Code of Ethics for Judges, which contains guidelines and rules of conduct for judges

Question 178

Albania

(2024): The Council shall assign one Ethics Advisor from the ranks of judges who meet legal requirements to be a member of the High Court and who has the experience and knowledge on ethics matters. The Ethics Advisor shall serve for a 5-years period, with the right to only one reappointment.
The Ethics Advisor shall perform the following tasks:
a) give advice, upon the request of any judge on the most appropriate behavior in and outside of the court, in the event of ethical uncertainties;
b) may ask for the opinion of the Council on certain issues relating to the conduct of judges in general, but not in relation to specific persons;
c) elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethical questions, based on the best international standards and practices, relevant decisions of the Council;
ç) ensure, in collaboration with the School of Magistrates, the initial and continuous training on issues of ethics;
d) report in writing, not less than once a year, before the Council in relation with his/her activity.

(2023): NA

Bosnia and Herzegovina

(2024): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions. In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. According to the analysis of the past practice, 45-50 responses on requests for opinions are submitted annually. The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function.

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(2019): The Committee usually meets once per month.

Montenegro

(General Comment): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors
may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.
As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

(2024): Comments - Please describe the work of this institution / body, the frequency of guidelines and/or opinions, etc.: The Commission for the Code of Ethics for Judges consists of a president and two members elected in accordance with the Law on the Judicial Council and Judges.
Commission sessions are held as needed, at least once every 60 days.
Tasks:
- monitors the implementation of the Judges' Code of Ethics, expressing his position in the form of guidelines,
opinions and decisions;
- acts on initiatives to initiate the procedure for determining the violation of the Ethical Code
of the Code of Judges and decides whether a certain behavior of a judge constitutes a violation
Judges' Code of Ethics;
- submits to the Disciplinary Commission a proposal for determining disciplinary responsibility in
in accordance with the law;
- performs an advisory role in certain situations;
- submits a report on its work to the Judicial Council;
- initiates changes to the Code and organizational laws;
- performs other tasks determined by the law and the Code of Ethics of judges

(2023): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are four guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.
Not public opinions
As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

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Not public opinions
As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

North Macedonia
(2021): http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1

Serbia
(2024): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the conduct of individual judges complies with the Code of Ethics for Judges, i.e. whether the conduct of a member of the Council complies with the Code of Ethics for the members of the High Judicial Council. Anyone may submit an initiative, and the Board of Ethics may issue a general opinion or decide not to consider the submitted initiative.
The transparency of the work of the Board of Ethics is ensured by publishing announcements, reports, general opinions, guidelines and other decisions and acts on the Council's website.
The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year.

(2023): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the conduct of individual judges complies with the Code of Ethics for Judges, i.e. whether the conduct of a member of the Council complies with the Code of Ethics for the members of the High Judicial Council. Anyone may submit an initiative, and the Board of Ethics may issue a general opinion or decide not to consider the submitted initiative.
The transparency of the work of the Board of Ethics is ensured by publishing announcements, reports, general opinions, guidelines and other decisions and acts on the Council's website.
The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year. In 2023 five sessions of the Board of Ethics were held.
During 2023, the Board of Ethics issued eight general opinions that were published on the website of the High Judicial Council and are available to all judges, six decisions regarding the request of the Disciplinary Prosecutor and the Deputy Disciplinary Prosecutor of the High Judicial Council for determination of major violations of provisions of the Code of Ethics, and decided not to consider ten initiatives.
The Confidential counsellor is a member of the Board of Ethics appointed by the Board of Ethics from among its members, with whom the judges may consult when they have doubts regarding the implementation of the Code of Ethics in specific situations in which they find themselves. When providing an opinion, the confidential counsellor is guided by the Code of Ethics, the adopted positions of the Board of Ethics, while preserving the identity of the initiator of confidential counselling.
His contact phone number and email address are published on the Council's website and are available to judges.
During 2023, there were no requests for the confidential advisor.
The Law on Judges ("Official Gazette of the RS", No. 10/2023) and the Law on the High Judicial Council ("Official Gazette of the RS", No. 10/2023), which came into force on 10th May 2023, prescribed three new responsibilities of the Board of Ethics.
The first of the new competences is related to determining the incompatibility of the judicial function with other functions, jobs and private interests, the second is related to the determination of the incompatibility of the function of a member of the High Judicial Council with other functions, jobs and private interests, and the third is related to the procedure for determining disciplinary responsibilities of judges.

(2022): The Board of Ethics is a permanent working body of the High Judicial Council.
The Board of Ethics promotes ethical principles stipulated by the Code of Ethics for Judges and the Code of Ethics for the Members of the High Judicial Council and monitors their implementation to raise the awareness of the judges, the presidents of the courts and the members of the Council about the importance of ethical principles and rules of conduct in the performance of their duties, public engagement and private lives in order to raise the reputation of the judiciary and strengthen the citizen's trust in the work of judges and courts.
The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the judge's conduct is in accordance with the Judges' Code of Ethics, i.e. whether the behavior of a member of the Council is in accordance with the Code of Ethics of the members of the High Judicial Council. The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year. In 2022 five sessions of the Board of Ethics were held.
During 2022, the Board of Ethics issued 12 general opinions that were published on the website of the High Judicial Council and are available to all judges.
The Confidential counsellor is a member of the Board of Ethics appointed by the Board of Ethics from among its members, with whom the judges may consult when they have doubts regarding the implementation of the Code of Ethics in specific situations in which they find themselves.
His contact phone number and email address are published on the Council's website and are available to judges.
During 2022, sixteen requests were submitted and acted upon by the confidential advisor.
When providing an opinion, the confidential counsellor is guided by the Code of Ethics, the adopted positions of the Board of Ethics, while preserving the identity of the initiator of confidential counselling.

(2021): NA

Kosovo*
(2024): This Committee will assist judges by providing information and advice on ethical questions or issues identified for interpretation in relation to the Code of Professional Ethics for Judges and the Law on Disciplinary Procedure for Judges and Prosecutors.
The Committee will serve as a platform where judges can seek guidance on how to handle future situations or behaviors that may be considered contrary to the Code of Professional Ethics for Judges.
The work of the Committee and the disciplinary process are separate and independent from each other. The opinions of the Advisory Committee on Judicial Ethics are given regarding future situations or behaviors that may be considered contrary to the Code of Professional Ethics for Judges, as opposed to the disciplinary process, which involves investigations and possible hearings to review and resolve complaints about alleged unethical conduct of judges in the past.

(2021): Please refer to the previous question.

Question 178-1

Albania

(2023): NA

Bosnia and Herzegovina

(2024): Judges' requests for opinions are submitted regarding the permissibility of their participation as members of board of directors in sports clubs, as professors at faculties and universities, as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of their membership in bar or state exam panels, and performing these activities for a fee.
It is likely that due to the implementation of the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. article 85, paragraph 4), which started in early 2024 following the adoption of the Law in 2023, the number of judges requesting opinions rose in 2024 compared to 2023. This Law has made the procedure for giving opinions more detailed, which is why it is probable that judges in larger numbers have requested an opinion over 2024 so that they are more certain regarding this issue.

(2023): Judges' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of their membership in bar or state exam panels, and performing these activities for a fee.

(2022): Judges' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of their membership in bar or state exam panels, and performing these activities for a fee.

Montenegro

(2022): At the Commission session, held on June 17 2022. the Guideline on freedom of expression of judges were adopted , and it was published on the Council's web portal: https://sudovi.me/static//sdsv/doc/Smjernice_sloboda_izrazavanja.pdf

North Macedonia

(2024): A request has been initiated before the Advisory Body for Judicial Ethics at the Association of Judges by the President of a Basic Court, seeking an opinion from the Advisory Body for Ethics regarding a requests for the recusal of a judge at the same court, submitted by the judge himself, who is acting in cases where the lawyers in the proceedings are also tenants of business premises owned by the judge. Acting on the request, the Advisory Body for Judicial Ethics concluded that the business - financial relationship of a judge with a party in the proceedings is a basis for his recusal in further proceedings.

(2022): Topics of the 3 opinions (2022) of the Advisory Committee on Judicial Ethics are the following one:
1. Membership of the judge in association, available at https://sudiskaetika.mk/assets/dok/mislenje2.pdf
2. Cases connected with attorney at law engaged by the judge as attorney-in-fact, available at https://sudiskaetika.mk/assets/dok/mislenje4.pdf
3. Right of the judge to participate in sport associations and to be present on the sport matches , available at https://sudiskaetika.mk/assets/dok/mislenje3.pdf

Serbia

(2024): In 2024, 3 three sessions of the Board of Ethics were held, 7 seven opinions in principle were adopted, which were posted on the Council's website, 6 six opinions in principle on the request of the Disciplinary Prosecutor of the High Judicial Council for determining major violations of the provisions of the Code of Ethics, while 3 three requests were dismissed as requests submitted by an unauthorized person. One initiative for issuing an opinion in principle was not taken into consideration because it was related to the conduct of a judge that is not relevant to the application of the Code of Ethics, and one request for a decision on whether a particular function, job or private interest is contrary to the dignity and independence of a judge and harmful to the reputation of the court and 3 three requests for determining major violations of the provisions of the Code of Ethics were dismissed, as acts submitted by unauthorized persons.

(2023): The relation of the judges and colleagues and with the court staff :
- the principle of independence and the principle of professionality and responsibility - General opinion 1/23 The attitude of the judge towards the performance of judicial function (work duties): -the principle of dignity and principle of dedication - General opinion 2/23
-the principle of professionality and responsibility, principle of dignity- General opinion 4/23 -the principle of dedication - General opinion 5/23
The judge's proceeding with the general opinions of the Board of Ethics:
-Is not in conflict with the Code of Ethics- General opinion 3/23
The judge as a party in the process of exercising of his legal rights of employees:
-the principle of dignity and principle of dedication - General opinion 6/23
The relation of the judge towards the parties in the court proceedings:
-Is not in conflict with the Code of Ethics- General opinion 7/23
-the principle of impartiality and principle of loyality to the principles of the Code of Ethics- General opinion 8/23

(2022): The addresed topis were:
-the judge's statements to the media (principle of impartiality)
-the relations between the judges and the attorneys of the parties in the court proceedings (principles of impartiality and dignity)
-the relations of the judges with colleagues and with the court staff (principle of dignity and principle of professionality and responsibility)
-behaving of judges in a public places (principle of dignity)
-the attitude of a judge to the High Judicial Council (principle of dignity)
-the relations of the judges towards the parties in the court proceedings (princile of dignity and principle of professionality and responsibility)

Kosovo*
(2024): 1 opinion and 2 answers

Question 179

Albania
(General Comment): NA

(2021): According to the Law "On the governance institutions of the justice system", the Ethics Adviser at High Prosecutorial Council performs the following duties:
a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
d) report in writing, not less than once a year, to the Council on its activities.

Bosnia and Herzegovina
(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Serbia

(2022): The Rulebook on the work of the Ethics Committee of the State Prosecutorial Council, Article 2:
The Ethics Committee is an occasional working body of the State Prosecutorial Council(hereinafter: the Council).
The ethics committee has a chairman, a deputy chairman and three members.
The members, at a special session, elect a president and a deputy president among themselves.
The Council appoints members of the Ethics Committee for a period of three years.

Kosovo*

(General Comment): NA

(2024): During 2024 KPC has established an Advisory Committee on Ethics Issues.
1. The Commission is tasked with providing consistent opinions to prosecutors on ethical questions or dilemmas.
2. The work of the Commission and the disciplinary process are separate and independent from each other. The Commission's opinions are given regarding future situations or conduct that may be considered contrary to the Code of Ethics, as opposed to the disciplinary process, which includes investigations and possible hearings that review and resolve complaints about alleged unethical conduct of prosecutors in the past.
3. The Commission's opinions are not binding, but may be taken into account in determining the degree of responsibility for ethical violations.
1. The prosecutors who will serve on the Commission shall be elected by the Council.
2. The Commission shall consist of three (3) members, two (2) of whom shall be proposed by the Office of Chief State Prosecutor and one (1) member shall be proposed by the Appellate Prosecutor's Office, while the two reserve members shall be proposed: one (1) by the Office of Chief State Prosecutor and one (1) by the Appellate Prosecutor's Office.
5. Members to serve on this Commission must meet the following criteria:
5.1. have a high professional reputation;
5.2. have high moral integrity and professional ethics;
5.3. not be currently the subject of a disciplinary investigation; and
5.4. not have been subject to a disciplinary sanction within the last five (5) years.
Their mandate in this Commission is 3 years with a possibility for re-election for 1 more term.

Question 180

Albania

(2024): According to Article 182, of the Law no. 115/2016, “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council appoints an Ethics Advisor from among the prosecutors who meet the legal requirements to be a prosecutor of the General Prosecutor's office and who has experience and knowledge on ethics issues. The Ethics Advisor serves for a period of 5 years, with the right to re-election only once.

(2023): NA

Bosnia and Herzegovina

(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

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Montenegro

(General Comment): The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the
Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State
Prosecutors of Montenegro.
The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors. b) Agency for Prevention of Corruption - same as for the judges:
"In accordance with article 7 of the Law on prevention of corruption, “Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."
Also, the Article 4 of the same Law defines that “The tasks of prevention of conflicts of public and private interest, restrictions in the
exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent body, established by the Parliament of Montenegro, in accordance with the present Law.”

North Macedonia

(2021): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.
The president of the Ethical Council is elected by the members of their ranks.
The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.
One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.
When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.
The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.
The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.
The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.
The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.
The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

Serbia
(General Comment): The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example, professor of ethics on the School of Philosophy)

Question 181

Albania
(General Comment): NA

(2024): The Ethics Advisor performs the following tasks:
a) gives advice, at the request of any prosecutor, on the most appropriate behaviour, inside and outside the prosecutor's office or the court, on controversial issues of ethics;
b) may request the opinion of the Council on certain issues related to the conduct of prosecutors in general, but not related to specific persons;
c) designs, publishes and continuously updates an informative manual, which contains questions and answers on ethical dilemmas, based on international standards and best practices and relevant decisions of the Council;
d) takes care, in cooperation with the School of Magistracy, for the initial and ongoing training on ethics issues;
e) reports in writing, no less than once a year, before the Council regarding its activity.
The Ethics Advisor has the obligation to maintain confidentiality, not providing any information to the structures of the governing bodies of the prosecution that exercise inspection and evaluation powers.

(2023): NA

Bosnia and Herzegovina
(General Comment): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions.
In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function

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(2019): The Committee usually meets once per month.

Montenegro

(General Comment): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.
The Commission for the Code of Ethics of prosecutors may give the opinion whether a certain behaviour of prosecutor is in line with the Code of Ethics

North Macedonia

(2021): http://zjorm.org.mk/

Serbia

(2024): https://vst.jt.rs/category/saopstenja-za-javnost/

(2023): https://vst.jt.rs/saopstenja/

Kosovo*

(2024): There are no opinions published yet because this is a newly established body and there are no opinions provided yet. However, such opinions, when offered, will be published.

Question 181-1

Albania

(2024): Through the first opinion have been addressed allegations of violation of the prosecutor's ethical norms, the performance or non-performance of investigative actions by the prosecutor, as well as the evaluation of the evidence pertaining to the criminal proceeding.
According to the Ethics Adviser, these allegations are subject to judicial control and decision-making by the court, in accordance with the provisions of the Code of Criminal Procedure. The legal mean to challenge a court decision is to appeal to a higher court. If the complainant believes that the prosecutor has violated the criminal procedural law, she was instructed to exercise the legal means that protect her rights. If there were ethical violations, disciplinary violations or violations of other natures on the part of the prosecutor, the complainant could file a complaint to the High Inspector of Justice or other justice bodies.
The second opinion concerns the disagreements that arose between the head of a prosecutor's office and a recently appointed prosecutor in this office, a situation that had caused the disruption of the smooth running of the work in this office. The disagreements had to do with the ethical communication between them as well as the implementation of the internal instructions for the administrative activity of this office.
The Ethics Advisor noted that the independence of the prosecutor in exercising procedural functions without accepting and allowing interference from anyone in decision-making on the investigation and the manner of resolving the case must be understood correctly but with constant care not to abuse it in the name of independence and not fulfil the legal obligations to implement correctly both the provisions of the law on the organization and functioning of the prosecutor's office and the instructions in force. He suggested that, in the School of Magistrates, should be developed specific training regarding the respect of the principle of independence and the Code of Ethics regarding head office/prosecutor.

(2023): NA

(2022): The High Prosecutorial Council handled a request of a prosecutor in the general jurisdiction offices to engage as an expert in monitoring the activity of the Special Prosecutor's Office against Corruption and Organized Crime, within the framework of a project implemented by an NPO. According to the law, the prosecutor has the right to participate in off-duty activities related to legal issues, the legal system and the administration of justice.
However, the prosecutor's request was related to the monitoring of the work of the Special Prosecutor's Office for various issues, therefore, this request contradicted the criteria provided for in Article 9, point 1, letter "dh", of the Law "On the status of judges and prosecutors", as amended, where it is stated that, the activities outside the function should not be incompatible with the exercise of the function of the magistrate.
In the "Standards with the Rules of Ethics and the Rules of Conduct of the Prosecutor" have been established some basic principles which aim to increase impartiality during and outside the exercise of the functions of the prosecutor, support the implementation of the highest standards of ethical and professional behaviour, preserve the image of the professional, as well as the appropriate behaviour in the office in court or outside these premises of the prosecutor. In article 5, letters "b" and "ç", of these Rules, related to the principle of impartiality, it is provided that the Prosecutor must: b) avoid any type of behaviour that may create the impression of partiality; ..... ç) avoids situations that can reasonably be perceived as leading to a conflict of interest.
The High Prosecutorial Council assessed that the prosecutor's participation in off-duty activities to monitor the activity of the Special Prosecutor's Office against Corruption and Organized Crime was incompatible with the activity of the magistrate, violates the principles of independence and impartiality of the prosecutor, as well as the principle of avoidance of conflict of interest.
In the same time, the law has provide special bodies such as the High Prosecutorial Council and the Parliament which monitor the activity of the Special Prosecution against Corruption and Organized Crime, as this institution reports to them on its annual activity.

Bosnia and Herzegovina

(2024): Prosecutors' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as members of board of directors in sports clubs, as basketball judges, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of membership in law enforcement bodies and committees, and performing these activities for a fee.

(2023): Prosecutors' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of membership in law enforcement bodies and committees, and performing these activities for a fee.

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Montenegro

(2022): 8 cases regarding the determination of the violation of the Code of Ethics of the state prosecutors are in progress

Serbia

(2023): Instructions for the actions of public prosecutors in accordance with principle 7. professional integrity and principle 8. personal integrity of the Code of Ethics

Question 182

Albania

(General Comment): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors. According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.
A general mechanism is provided in Article 119, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, and is the right to report attempts to influence/corruption on prosecutors/judges through complaints filed by any person to the High Justice Inspectorate.
Also, in cases where there is credible evidence that a prosecutor/judge has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:
a) the Minister of Justice;
b) a single member of the Council;
c) the president of the court or prosecution office.

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a) the Minister of Justice;
b) a single member of the Council;
c) the president of the court or prosecution.

Bosnia and Herzegovina

(General comment): In accordance with Article 17, item 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

Additionally, all criminal codes adopted at different levels of government in Bosnia and Herzegovina contain chapters dedicated to the protection of judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties are prescribed as criminal offenses.

CRIMINAL CODE OF BOSNIA AND HERZEGOVINA Meaning of Terms as Used in this Code

Article 1 paragraph (3): “An official person means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law. “

Accepting Gifts and Other Forms of Benefits Article 217 (1) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought not to be performed by him, or for the omission of an act, which ought to be performed by him or whoever mediates in such bribing of an official or responsible person, shall be punished. by imprisonment for a term between one and ten years. (2) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought to be performed by him, or for the omission of an act, which

(2023): In accordance with Article 17, item 17 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

Additionally, all criminal codes adopted at different levels of government in Bosnia and Herzegovina contain chapters dedicated to the protection of judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties, are prescribed as criminal offenses.

CRIMINAL CODE OF BOSNIA AND HERZEGOVINA Meaning of Terms as Used in this Code

Article 1 paragraph (3): “An official person means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law. “

Accepting Gifts and Other Forms of Benefits Article 217 (1) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought not to be performed by him, or for the omission of an act, which ought to be performed by him or whoever mediates in such bribing of an official or responsible person, shall be punished by imprisonment for a term between one and ten years. (2) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought to be performed by him, or for the omission of an act, which ought not to be performed by him or whoever mediates in such bribing of an official or responsible person, shall be punished by imprisonment for a term between six months and five years. (3) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person following the performance or omission of an official act referred to in paragraphs 1 and 2 of this Article and in relation to it. (4) The gifts or any other benefits shall be forfeited. Accepting Reward or other form of Benefit for

Montenegro

(General Comment): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.
Articles 44, 45 and 51 of the Law on prevention of corruption defines the whistleblowers institute. Whistleblowers
Art. 44
A whistleblower who has reasonable grounds to believe that there is a threat to the public interest that indicates the existence of corruption may submit an application in accordance with the present Law. For the purpose of the present Law, threatening the public interest shall mean a violation of regulations, ethical rules or the possibility of such a violation, which caused, causes or threatens to cause danger to
life, health and safety of people and the environment, violation of human rights or material and non-material damage to the state or a legal or natural person, as well as an action that is aimed at preventing such a violation from being discovered. A person that helps whistleblowers by providing information or otherwise and any other person who can provide reasonable proof of suffering damage because of relation with the whistleblower shall be deemed a party related to the whistleblower.
Person or Entrepreneur
Art. 45
Whistleblowers may submit the application referred to in Art. 44, para 1 of the present Law to an authority, company, other legal person or entrepreneur in which, to their knowledge, there are reasonable grounds for suspecting that there is a threat to the public interest that indicates the existence of corruption. The application referred to in para 1 of this Art. shall be submitted in writing, orally on the minutes, by mail or electronically.
Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency
Art. 51
If the whistleblower has not been informed, or is not satisfied with the notification or the measures referred to in Art. 50, he may submit
an application on threats to the public interest that indicate the existence of corruption to the Agency. Whistleblowers may also submit the application on threats to the public interest that indicate the existence of corruption to the Agency without prior submission to an
authority, company, other legal person or entrepreneur to which the application relates. The application referred to in para 1 and shall, in addition to the data referred to in Art. 46 of the present Law, contain information about the authority, company, other legal person or entrepreneur to whom the application relates and a notification on the taken measures referred to in Art. 50, if the notification was delivered to the whistleblower.
The Rules of Procedure of the Prosecutorial Council regulate the procedure for reporting and submitting complaints by prosecutors for jeopardizing their autonomy. These complaints are dealt by the commission formed by Prosecutorial Council on the proposal of the President of the Prosecutorial Council. On the basis of the report by subject commission, the Prosecutorial Council shall decide on complaints. If the complaint is considered with grounds, the Prosecutorial Council shall conduct measures to protect the prosecutor which autonomy is jeopardized.

(2022): explanation in section general comments

North Macedonia

(General comment) Criminal code

Obstruction of justice

Article 368-a

(1) Whosoever, with the intent to induce a person who might be called as a witness, a witness or an expert to give a false statement or to prevent or hinder the collection of evidence or the substantiation in the criminal procedure, in a procedure before a court or before any other body which conducts a procedure in accordance with the law, threatens with attack against the life or the body or the property to a greater extent, of a person who might be called as a witness, a witness or an expert or close persons thereto, or by using force, violence, illegal deprivation of freedom, by offering a bribe or in any other manner influences or prevents such person to appear as a person who might be called as a witness, a witness or an expert in the procedure or if he is called as a witness or an expert to give or not to give a statement with a determined meaning, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be also imposed to whosoever, due to revenge for the given statement of the person referred to in paragraph (1) of this Article, deprives such person of a right, maltreats him or inflicts on him bodily injuries.

(3) If especially severe consequences for the defendant in the criminal procedure have been created due to the crime referred to in paragraphs (1) and (2) of this Article or severe bodily injury has been inflicted on the person referred to in paragraph (1) of this Article or the crime has been committed against a protected or threatened witness or a close person thereto, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the person referred to in paragraph (1) of this Article is deprived of the life by the crime referred to in paragraphs (1) and (2) of this Article, the offender shall be sentenced to imprisonment of at least ten years or life imprisonment.

(5) Whosoever, by using force, serious threat or promise, by offering or giving any material benefit, influences a judge, public prosecutor or any other official or an attorney to take or not to take actions foreseen by law in a procedure before a court or before any other body competent for conducting a procedure regulated by a law contrary to his official or attorney's duty and authorizations, or hinders him in taking such actions, shall be sentenced to imprisonment of one to ten years.

(6) If, in the course of committing the crime referred to in paragraph (5), bodily injuries are inflicted on the persons of the referred paragraph or on close persons thereto, the offender shall be sentenced to imprisonment of at least four years.

(7) If, in the course of committing the crime referred to in paragraph (5), severe bodily injuries are inflicted on the persons of the referred paragraph or on close persons thereto, the offender shall be sentenced to imprisonment of at least five years.

(8) The sentence referred to in paragraph (5) of this Article shall be imposed on an official or responsible person who refuses or postpones without any justification the enforcement of an order or a law-based request by a court, public prosecutor or any other competent body or an attorney for collection, keeping or submission of writs, documents or cases, or with the intent to prevent or hinder the substantiation, he conceals, destroys, falsifies or in any other manner makes unusable the writs, documents or cases which may serve as evidence in a procedure before a court or before any other competent body for conducting a procedure regulated by a law.

(9) If the crime referred to in paragraph (8) of this Article is committed in a previous criminal procedure or in a criminal procedure, the offender shall be sentenced to imprisonment

Serbia

(General Comment): Law on Prevention of Corruption

IX ACTING UPON COMPLAINTS

Term of complaints

Article 87

The complaint shall be the written address of natural person or a legal entity to the Agency, in which facts causing doubt over corruption are presented.

In case the Agency is not competent to act upon a complaint, it shall forward the petition to the competent body and notify the applicant thereof.

The Agency shall protect the identity of the applicant, by not providing his/her data to anyone but the court, for the purpose of reaching the decision as to whether the identity of the applicant can be disclosed for the purpose of preserving public interest or protecting the third-party rights.

Complaint Regularity

Article 88

The complaint shall contain the facts causing doubt over corruption, the name of the body of public authority, name and surname of the person against whom it is lodged, i.e. the data based on which the identity of such person can be determined, the time, place and description of the corruptive action or corruptive conduct, as well as the signature and data on the applicant, unless the complaint is anonymous.

The complaint shall be deemed irregular if containing faults that prevent the Agency from acting upon it, if unclear and incomplete. In case the petition is irregular, the Agency shall notify the application as to how to revise the petition within 15 days from the date of reception of notification.

In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.

The Agency’s actions upon complaint shall be more closely defined by the act of the Director.

(2023): A judge in our legal framework enjoys the right to protection from undue influence. According to the provisions of Article 30 of the Law on Judges, a judge may submit a request for protection against undue influence to the High Judiciary Council. The manner of submission of the request and the procedure for the request for protection against undue influence are prescribed by an act of the High Judiciary Council. The appointment and method of work of a judge competent to act on a request for protection from undue influence, as well as the decision-making procedure of the High Judiciary Council (hereinafter: the Council) on the existence of undue influence on the work of a judge and the court, is regulated by the Rulebook on the Protection of Judges and the Court from Undue Influence ("Official Gazette of RS", number 110/2023).
Public prosecutors also enjoy protection from undue influence. According to the provisions of Article 6 of the Law on Public Prosecutor's Office, to preserve the authority and impartiality of the public prosecutor's office, inappropriate influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of a public position, the media and public speaking, which affects the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.The use of legally prescribed rights of participants in the proceedings, reporting on the work of the public prosecution in accordance with the regulations governing public information, as well as expert analysis of the actions of the public prosecution, cannot be considered under undue influence from paragraph 1 of this article.
The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecutor's Office, as well as to report such influence to the High Council of the Prosecutor's Office.
The holder of the office of public prosecutor may submit a request for protection against undue influence to the High Council of Prosecutors.
The method of submission and the procedure for the request for protection against undue influence is prescribed by the act of the High Council of the Prosecutor's Office.

(2021): IX ACTING UPON COMPLAINTS

Term of complaints

Article 87

The complaint shall be the written address of natural person or a legal entity to the Agency, in which facts causing doubt over corruption are presented.

In case the Agency is not competent to act upon a complaint, it shall forward the petition to the competent body and notify the applicant thereof.

The Agency shall protect the identity of the applicant, by not providing his/her data to anyone but the court, for the purpose of reaching the decision as to whether the identity of the applicant can be disclosed for the purpose of preserving public interest or protecting the third-party rights.

Complaint Regularity

Article 88

The complaint shall contain the facts causing doubt over corruption, the name of the body of public authority, name and surname of the person against whom it is lodged, i.e. the data based on which the identity of such person can be determined, the time, place and description of the corruptive action or corruptive conduct, as well as the signature and data on the applicant, unless the complaint is anonymous.

The complaint shall be deemed irregular if containing faults that prevent the Agency from acting upon it, if unclear and incomplete. In case the petition is irregular, the Agency shall notify the application as to how to revise the petition within 15 days from the date of reception of notification.

In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.

The Agency's actions upon complaint shall be more closely defined by the act of the Director.

Kosovo*

(General comment) According to the Law on disciplinary liability of judges and prosecutors, Article 9:

1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the "Competent Authority"):

1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;

1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;

1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;

1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;

1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;

1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.

2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.

3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.

4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:

4.1. the identity of the natural or legal person who submits the complaint;

4.2. the identity of the judge or prosecutor who shall be the subject of investigation;

4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.

5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.

6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.

7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.

Link on the law: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336 Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.

Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

(2024): Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.
According to Article 9 of this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.
• The Chief State Prosecutor regarding the alleged violations of any Chief Prosecutor
• Chief Prosecutors of the Prosecution regarding the alleged violations of any prosecutor of that Prosecution
• The Prosecutorial Council regarding the alleged violations of the Chief State Prosecutor
Natural and legal persons can also file complaints against prosecutors with the Ombudsman.
In cases when the complaint is grounded and contains elements of a criminal offense, the competent authority must forward the case to the prosecutor's office and notify the Council and the Ombudsman.
Within 15 working days from the receipt of the request for initiation of disciplinary investigations, the Council must establish the investigative panels. Investigative panels are tasked with securing the facts and gathering evidence regarding the alleged disciplinary violation. After this procedure (it is explained in more detail in the Law) the panel sends the report to the Council, where the latter holds a hearing and decides whether the alleged disciplinary violation has been committed or not. If it is decided that there is a disciplinary violation, a disciplinary measure is imposed on that prosecutor according to this Law.
Article 5 of the Law on Disciplinary Liability of Judges and Prosecutors provides violations by judges, which includes impartiality and corruption. Whereas, Article 9 of this Law provides that: Natural and legal persons may file a complaint against a judge or prosecutor regarding any alleged disciplinary violation with the following authorities (hereinafter referred to as the “Competent Authority”):
1.1. The President of the Basic Court and the Court of Appeals where the judge serves, concerning allegations of disciplinary violations by that judge;
1.2. The President of the Supreme Court, concerning allegations of disciplinary violations by Presidents of the Basic Courts and the President of the Court of Appeals;
1.3. The Kosovo Judicial Council, concerning allegations of disciplinary violations by the President of the Supreme Court.
Legal and natural persons may file a complaint against a judge or a prosecutor to the Ombudsman as well. The Ombudsman fowards the case to the Competent Authority. If the alleged violation has elements of a criminal offence, the competent authority hands over the case to the Prosecution. Additionally, The Competent Authority requests the Council to initiate disciplinary investigations based on a complaint submitted by a natural or legal person that has not been dismissed under Article 9, Paragraph 6 of this Law, or ex officio when there is reasonable ground to believe that a judge or prosecutor has committed a disciplinary violation.
The Ombudsperson may request the Council to initiate disciplinary investigations against a Court President or Chief Prosecutor if they have reason to believe that he/she has committed a disciplinary violation under Article 9, Paragraph 7 of this Law. In the event of a complaint being accepted, the Ombudsperson may also request the Council to initiate disciplinary investigations against a judge or prosecutor if it is deemed that the Competent Authority has made a decision to dismiss the complaint against that judge or prosecutor in violation of Article 9, Paragraph 5. In such a case, the Ombudsperson must provide justification as to why the complaint should not have been dismissed.
Link to the law: https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18336

(2023): According to the Law on disciplinary liability of judges and prosecutors, Article 9:
1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the "Competent Authority"):
1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.
2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.
3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.
4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:
4.1. the identity of the natural or legal person who submits the complaint;
4.2. the identity of the judge or prosecutor who shall be the subject of investigation;
4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.
5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.
6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.
7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.
Link on the law: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336 Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.
Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

(2022) According to the Law on disciplinary liability of judges and prosecutors, Article 9:
1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the "Competent Authority"):
1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.
2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.
3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.
4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:
4.1. the identity of the natural or legal person who submits the complaint;
4.2. the identity of the judge or prosecutor who shall be the subject of investigation;
4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.
5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.
6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.
7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.
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Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

(2021): Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.
Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.
• The Chief State Prosecutor regarding the alleged violations of any Chief Prosecutor
• Chief Prosecutors of the Prosecution regarding the alleged violations of any prosecutor of that Prosecution
• The Prosecutorial Council regarding the alleged violations of the Chief State Prosecutor
Natural and legal persons can also file complaints against prosecutors with the People's Advocate.
In cases when the complaint is grounded and contains elements of a criminal offense, the competent authority must forward the case to the prosecutor's office and notify the Council and the People's Advocate.
Within 15 working days from the receipt of the request for initiation of disciplinary investigations, the Council must establish the investigative panels. Investigative panels are tasked with securing the facts and gathering evidence regarding the alleged disciplinary violation. After this procedure (it is explained in more detail in the Law) the panel sends the report to the Council, where the latter holds a hearing and decides whether the alleged disciplinary violation has been committed or not. If it is decided that there is a disciplinary violation, a disciplinary measure is imposed on that prosecutor according to this Law.

Question 184

Albania
(General Comment): Every intervention made while distributing cases by electronic lot is logged in the system, this means a third party can audit in every moment the procedure of the lot, and see if it has been done according to the rules in place. Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.

Bosnia and Herzegovina
(General Comment): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the Automated Case Management System in Courts. Priority cases (e.g. cases involving detention, cases involving minors etc.) are distributed urgently as prescribed by the law or by the decision of the court president. The law stipulates shorter deadlines for priority cases, so these cases have to be allocated to judges urgently and judges have to start working on them immediately. It is possible to exclude a judge from the allocation for various reasons. Judge can be temporarily excluded due to illness, vacation, longer absence, over load with cases etc.

(2019): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the Automated Case Management System in Courts.
Priority cases (e.g. cases involving detention, cases involving minors etc.) are distributed urgently as prescribed by the law or by the decision of the court president. The law stipulates shorter deadlines for priority cases, so these cases have to be allocated to judges urgently and judges have to start working on them immediately. It is possible to exclude a judge from the allocation for various reasons. Judge can be temporarily excluded due to illness, vacation, longer absence, over load with cases etc.

Serbia

(2022): Case management systems of court (AVP and SAPS) have implemented functionality for random distribution of court cases. The algorithm for automatic random distribution cases contains the formula for evaluating cases by weight in basic, higher, and commercial courts.
Case management systems of courts (AVP and SAPS) have functionality for excluding judges from allocation by system administrator manual commanding in case of sick leave, vacations, etc.

(2021): Case management systems of court (AVP and SAPS) have implemented functionality for random distribution of court cases. The algorithm for automatic random distribution cases contains the formula for evaluating cases by weight in basic, higher, and commercial courts.
Case management systems of courts (AVP and SAPS) have functionality for excluding judges from allocation by system administrator manual commanding in case of sick leave, vacations, etc.

Question 185

Bosnia and Herzegovina

(General Comment): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.
As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge.
In this regard, the legislation does not refer specifically to the conflict of interest, i.e. the laws do not foresee it as a separate category. However, it is in the law that the recusal of the judges as a legal term comprises all matters related to the protection of the impartiality in the court procedures. Consequently, it is not possible in Bosnia and Herzegovina to differentiate data on the number of reassigned cases for the following category: Recusal of the judge or requested by the parties. In the context of data on the total number of reassigned court cases in 2024 (i.e. 663 080), it is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases.

North Macedonia
(General Comment): Court Rules of procedure
Automatic Redistribution of Cases
Article 177
The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.
Article 178
After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).
Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.

Question 185-1

Albania

(2022): The HJC is yet to collect statistical datas regarding the reported year

Bosnia and Herzegovina

(General Comment): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.
As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge.
In this regard, the legislation does not refer specifically to the conflict of interest, i.e. the laws do not foresee it as a separate category. However, it is in the law that the recusal of the judges as a legal term comprises all matters related to the protection of the impartiality in the court procedures. Consequently, it is not possible in Bosnia and Herzegovina to differentiate data on the number of reassigned cases for the following category: Recusal of the judge or requested by the parties. In the context of data on the total number of reassigned court cases in 2024 (i.e. 663 080), it is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases.

(2024): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.
As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge.
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(2023): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.
As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge.
In this regard, the legislation does not refer specifically to the conflict of interest, i.e. the laws do not foresee it as a separate category. However, it is in the law that the recusal of the judges as a legal term comprises all matters related to the protection of the impartiality in the court procedures. Consequently, it is not possible in Bosnia and Herzegovina to differentiate data on the number of reassigned cases for the following category: Recusal of the judge or requested by the parties. In the context of data on the total number of reassigned court cases in 2023 (i.e. 644 931), it is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases. In 2023, there was a remarkable increase in the number of reassignments in the largest court of first instance in the state, due to the need for a significant number of cases to be reassigned in the court because an unusually high number of judges stopped working in that court due to career advancement or retirement.

(2022): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.
As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge. In this regard, the legislation does not refer specifically to the conflict of interest, i.e. the laws do not foresee it as a separate category. However, it is in the law that the recusal of the judges as a legal term comprises all matters related to the protection of the impartiality in the court procedures. Consequently, it is not possible in Bosnia and Herzegovina to differentiate data on the number of reassigned cases for the following category: Recusal of the judge or requested by the parties. In the context of data on the total number of reassigned court cases in 2022 (i.e. 475 394), it is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases.

North Macedonia

(2024): Data for conflict of interest declared by the judge or by the parties are already calculated in recusal of the judge or requested by the parties, because conflict of interest is ground for recusal of the judge. Other*: retirement of a judge, return of judges who were delegated in other courts, return of a judge who was a member of the Judicial council, dismissed judge, change in the annual schedule, delegated judges, merging of cases
According to our legislation, conflict of interest is a ground for recusal of the judge or requested by the parties, because of this, the data overlaps and cannot be separated.

Kosovo*

(2024): In the question: Conflict of interest declared by the judge or by the parties. This includes data on requests for recusal submitted by the judge themselves or by a party.
In the question: recusal of the judge or requested by the parties. The data is presented together in the conflict of interest question.
The category other includes:
Balancing: This includes data on reassigned cases, specifically when cases are taken from judges with a higher caseload and reassigned to judges with fewer cases. 2031 cases
Assignment/reallocation of cases to a new judge. These are cases that have been reassigned to newly appointed judges when they start their judicial duties. It includes cases taken from other judges and reassigned to new judges. 13951
Reassignment due to the nature of the case. These are cases reassigned by the President of the Court due to their special nature. For example, if a complex case is initially assigned to a new or untrained judge in that field. 2771
Suspension of the judge. These are cases that have been reassigned due to the suspension of a judge. 1 case
Retirement of the judge. These are cases that have been reassigned due to the retirement of a judge. 2464
Other: These are cases that have been reassigned at the request of the Kosovo Judicial Council (KGJK) during 2024 to balance the workload among judges. In 2024, KGJK requested that courts reassign cases to ensure an approximately equal distribution of caseloads among judges.41635 cases

Question 186

Bosnia and Herzegovina
(General Comment): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment.
Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option “Other reasons”. When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

(2019): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment. Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option “Other reasons”. When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

Montenegro

(General Comment): Articles 60 and 61 of the Court Rule of Procedure: Article 60
To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.
Article 61
Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the President of the court alone or at the proposal of the President of the Division or a judge. The President of the Court shall make a special decision on the reasons as well as the duration of the suspension of the assignment of the cases to the judge, which he submits to the administrator of the judicial information system and attaches it to the court work plan.

Question 187

Bosnia and Herzegovina
(General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.
All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.
Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
Regarding reassignment of cases:
All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd). Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

(2019): Regarding allocation of cases (assignment):
Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.
All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).complex and based on more than one information from new case, and usually with more judges available in pool to select from.
Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
Regarding reassignment of cases:
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North Macedonia
(General Comment): Yes, with exception. Please see article 179, p.2
Court Rules of procedure
Article 179
In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.
The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.

Question 188

Bosnia and Herzegovina

(General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system. All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.
Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
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Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

(2024): Due to misinterpretation of the "other" option in this part of the question 188, the option "all interventions on the system are irreversibly logged/registered" was not marked in the previous reporting cycles. It is confirmed that all interventions on the system are irreversibly logged/registered and, therefore, this option needs to be marked.

(2019): Regarding allocation of cases (assignment):
Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.
All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.
Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.
Regarding reassignment of cases:
All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).
Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

Montenegro

("Official Gazette of MNE", no. 11/2015 and 76/2020) Amending Annual Work Distribution Article 32
The court president may amend the annual work distribution of the court, if:
1) The number of positions for judges or the number of judges decreases or increases; or
2) The number or type of cases in court significantly increases or decreases.
The annual work distribution of the court shall be amended so that it disrupts the already established annual work distribution of the court as little as possible.
The annual work distribution of the court shall be amended in accordance with Article 31 of the present Law. Submission and Publication of Annual Work Distribution
Article 33
The court president shall submit an annual work distribution and amendments there to all judges and shall publish it on the bulletin board of the court.
4. Random Allocation of Cases
Allocation of Cases
Article 34
Cases shall be allocated to work without delay, according to the annual work distribution, through the method of random allocation of cases.
In accordance with paragraph 1 of this Article, the following cases shall also be allocated to other judges:
1) Cases that were assigned to a judge who does not perform a judicial office in that court any longer; and
2) Cases that were taken away in accordance with Article 36 of the present Law. Method of Random Allocation of Cases
Article 35
Once the basic information about a case is entered into the judicial information system, in a manner that is more closely regulated by the
Court Rules, cases shall be allocated to judges through the method of random allocation of cases. Taking Away an Allocated Case
Article 36
An allocated case shall be taken away from a judge or panel only if it is determined that they unduly fail to take actions in the case, because of the recusal of a judge or if a judge is prevented from performing the judicial office for more than three months.
Cases whose urgent nature is prescribed by law may be taken away from a judge if the judge is not able to act in these cases in a timely manner or within the statutory period due to absence or incapacity for work.
The cases shall be taken away by the court president, through a decision.
The decision on taking a case away shall be submitted to the judge or the panel from which the case was taken away.
An objection may be lodged to the president of immediately higher court against the decision on taking the case away, as well as to the
General Session of the Supreme Court against the decision of the Supreme Court, within three days of receipt of the decision. The decision on the objection shall be made within

North Macedonia

(General Comment): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.
According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases
3. Automatic Redistribution of Cases
Article 177
The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.
Article 178
After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).
Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.
Article 179
In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.
The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.
Article 180
Cases recorded in a register for which only one judge is in charge of shall be allocated to the judge with the recording itself.
According to the Law on courts, president of a court shall be dismissed from the office of a president, if in a procedure, the Judicial Council of the Republic of Macedonia establishes the following bases:
failure to apply the provisions regarding the case management and distribution,
- violation of the provisions regarding the adoption and amendment of the Annual schedule for Judges.

Question 190

Albania

(General Comment): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their appointment as judges and prosecutors and every time that they apply for a position at a higher level.
However, please note that the obligation to annually declare their (applicable to judges and prosecutors) assets is provided in a special law, namely law on the declaration and audit of assets, financial obligations of elected persons and certain public officials.

Bosnia and Herzegovina

(General Comment): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted.

(2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.
After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an administrative dispute initiated by the HJPC before the Court of of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in of Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2018 using an earlier financial statement form. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2019 using an earlier financial statement form.
Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

(2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.
Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH.
Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.

Montenegro

(General Comment): Law on prevention of corruption

(2021): Special Law - Law on prevention of corruption

North Macedonia

(2024): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)

(2023): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)

(2022): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)

Serbia

(General Comment): Law on the Corruption Prevention

(2024): THE LAW ON THE PREVENTION OF CORRUPTION ("Official Gazette of RS", no. 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021 and 14/2022)
A judge is a public official within the meaning of the law governing the prevention of corruption and is subject to the obligations of public officials established by that law.

(2023): THE LAW
ON THE PREVENTION OF CORRUPTION
("Official Gazette of RS", no. 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021 and 14/2022)A judge is a public official within the meaning of the law governing the prevention of corruption and is subject to the obligations of public officials established by that law.

(2022): Law on the Corruption Prevention

(2021): Law on the Corruption Prevention

Question 192

Albania

(2024): https://www.ildkpki.al/formularet-e-deklarimit-3/

(2023): https://www.ildkpki.al/formularet-e-deklarimit-3/

(2022): https://www.ildkpki.al/formularet-e-deklarimit-3/

Bosnia and Herzegovina

(General Comment): Due to changes related to system of the declaration of assets by judges as provided by the Law on Amendments to the Law on the HJPC, adopted in September 2023, the HJPC adopted the new declaration of assets form on 28.02.2024. The judges are obliged to submit the declaration of assets form electronically using a web-based declaration form that constitutes an integral part of the declaration filing software. The declarations are filed via a web application prescribed by the HJPC BiH, using the declarant's user account. After electronic filing, the declarants must print, sign and deliver the electronic form to the HJPC BiH by either registered mail or in person. The content of the declaration filed electronically and delivered to the HJPC BiH by post or in person must be identical.
Pursuant to Article 86i of the Law on the HJPC BiH, the Council adopted in February 2024 the Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on Declaring Assets and Interest (hereinafter referred to as: “the Book of Rules”), which regulates, among other things, additional details related to the asset declaration form, including the attachments to be submitted with it, deadlines and the procedure for submitting of the asset declaration. The Instructions for Completing the Asset Declaration Form (hereinafter referred to as the “Instructions”) were reviewed and adopted by the Council on session held on 17 and 18 July 2024.
Taking in the consideration that this is a new form of the asset declaration, and that it is the first time that it will be submitted electronically, the Council, at its session held on 27 and 28 November 2024, adopted the conclusion that judges are obliged to submit the initial asset declaration form for 2023 by 31 March 2025.

(2024): Due to changes related to system of the declaration of assets by judges as provided by the Law on Amendments to the Law on the HJPC, adopted in September 2023, the HJPC adopted the new declaration of assets form on 28.02.2024. The judges are obliged to submit the declaration of assets form electronically using a web-based declaration form that constitutes an integral part of the declaration filing software. The declarations are filed via a web application prescribed by the HJPC BiH, using the declarant's user account. After electronic filing, the declarants must print, sign and deliver the electronic form to the HJPC BiH by either registered mail or in person. The content of the declaration filed electronically and delivered to the HJPC BiH by post or in person must be identical.
Pursuant to Article 86i of the Law on the HJPC BiH, the Council adopted in February 2024 the Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on Declaring Assets and Interest (hereinafter referred to as: “the Book of Rules”), which regulates, among other things, additional details related to the asset declaration form, including the attachments to be submitted with it, deadlines and the procedure for submitting of the asset declaration. The Instructions for Completing the Asset Declaration Form (hereinafter referred to as the “Instructions”) were reviewed and adopted by the Council on session held on 17 and 18 July 2024.
Taking in the consideration that this is a new form of the asset declaration, and that it is the first time that it will be submitted electronically, the Council, at its session held on 27 and 28 November 2024, adopted the conclusion that judges are obliged to submit the initial asset declaration form for 2023 by 31 March 2025.

(2023): The Law on Amendments to the Law on the HJPC was adopted in September 2023, and it will be applied from 23 December 2023. The HJPC has been preparing all necessary documents for the implementation of these amendments, including new electronic form for filing asset and interest declarations currently being prepared by the HJPC's ICT Department.

(2019): Please consult the comments made for Q190.

Montenegro

(2024): https://www.antikorupcija.me/me/korisnicki-servisi/

(2023): https://www.antikorupcija.me/me/korisnicki-servisi/

(2022): https://www.antikorupcija.me/me/korisnicki-servisi/

North Macedonia

(2024): Da se proveri na web stranata smenet e sistemot

(2023): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf

(2022): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf

Serbia
(2022): Added to this questionnaire (unofficial translation)

(2021): Yes, added to the previous questionnaire but only in Serbian.

Kosovo*
(2021): Same as the previous cycle form

Question 193

Albania

(General comment) Article 3, 1 of law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, that follows article 3, and it states:
"Article 3/1
Declaration of assets for candidates in different positions in the justice system institutions 1. The following shall have the obligation to declare assets and private interests: a) candidates expressing their interest on Constitutional Court vacancies, in accordance with the provisions of the legislation regulating the governance of the justice system; b) candidates expressing their interest to become High Justice Inspector as well as non-magistrate candidates interested in becoming inspector in the High Justice Inspector Office, in accordance with the provisions of the legislation regulating the governance of the justice system; c) candidates for admission in the initial training of the School of Magistrates as well as graduates that are candidates for magistrate, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
ç) candidates for judge and judicial civil servant in the special courts against corruption and organised crime, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; d) candidates for prosecutor, investigation officer, administrative personnel of the Special Prosecutor's Office, National Bureau of Investigation, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; dh) candidates who seek promotion in higher or more specialised levels, in accordance with the provisions of the legislation regulating the status of judges and prosecutors;
e) candidates for member of the High Court from the ranks of distinguished legal experts, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; ë) candidates for president of other courts or prosecutor's offices, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; f) any other person that is subject to the obligation of declaration before candidacy, in accordance with the effective legislation.
2. Candidates for the positions referred to in point 1 of this article, who are subject to the obligation to declare private interests in accordance with the provisions of Article 3 of this law, shall not perform a new declaration, but shall be subjected to full audit of assets. In the event during 180 days prior to the submission of the request, the candidate has already been audited by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests and the audit didn't prove to be disfavourable for them, then the audit shall be considered as already performed.
3. The High Inspectorate shall perform full audit on the verification of truthfulness and accuracy of the data contained in the declarations of persons referred to in point 1 of this article within 2 months from the submission of the declaration, unless otherwise stipulated by the law. At the end of verification, the General Inspector shall immediately send the relevant verification reports to the relevant institutions."
Article 3/1 of the law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, specifies the obligation to declare for the candidates for different positions in the justice system.
This article has been added with the amendments made to the law, by law no. 42/2017, dated 6.4.2017, "On some changes and additions to the law no. 9049, dated 10.4.2003 'On the declaration and control of the assets, financial obligations of the elected and some public employees', as amended".
The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by

Montenegro

(General Comment): See Article 24 of the Law on prevention of corruption: "The Report shall contain:
1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother' name and mother's maiden surname.
2) Data about the public function exercised;
3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:
- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities
(motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, educational, cultural, artistic, humanitarian, sports or similar associations.
For the purpose of verification of the data from the Report, a public official may give consent to the Agency for access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.
The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.
A public official shall enter the data referred to in para 1 in the Report form.
The Report form shall be established by the Agency and published on its website."

Serbia

(General Comment) According to the Law on the Corruption Prevention
Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovable; right of ownership or right of lease over movables which are subject to registration;
15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
16) lease of safe deposit boxes in banks;
17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
18 shares and interest in a legal entity;
19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
20) financial instruments;
21) entrepreneurial activity;
22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being

(2022) According to the Law on the Corruption Prevention
Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovable; right of ownership or right of lease over movables which are subject to registration;
15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
16) lease of safe deposit boxes in banks;
17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
18 shares and interest in a legal entity;
19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
20) financial instruments;
21) entrepreneurial activity;
22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being

Kosovo*
(General Comment): Other items as described in the form of Declaration of Assets
Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or natural person. Law on declaration, origin and control of assets and gifts, Articles 6 and 25.

(2024): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.

(2023): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.

(2022): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.

Question 194

Albania

(General comment) Article 7 of the law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, sets out the provisions regarding the annual periodic declaration:

"Article 7

Annual Periodic Declaration

1. Periodic declarations shall only include the changes to the previously declared assets, financial obligations, and private interests, in accordance with Article 6 of this law, those appearing during the declaration year and any earned income and declarable expenditure carried out during the year being declared.

2. The declarations prior to the beginning of duty, according to Article 5/1 of this Law, and the declaration after leaving office, according to Article 7/1 of this Law, shall be specific instances of the periodic declaration.

3. All officials and other persons related, who have the obligation to declare, shall be obliged to present their declaration, by March 31 of each year, to the authority or responsible structure of the public institution contemplated in the legislation applicable to the prevention of conflict of interests in the exercise of public functions.

4. When the official transfers the rights of active ownership of shares or parts of the capital, according to the provisions of the legislation applicable to the prevention of conflict of interests in the exercise of public functions, in the periodic declaration, as long as this situation continues, they shall only declare the status of such rights before the transfer and the earning from property they effectively received during the year for which the declaration is made.

5. For the purpose of declaration before taking office, annual periodic declaration, or after leaving office, according to the above points of this article, the persons related to the officials who have the obligation to make a declaration shall include only the spouse, cohabitant, and their adult children."

Article 9 of the law no. 9049, dated 10.4.2003 "On the declaration and control of the assets, financial obligations of the elected and some public employees", as amended, sets out the provisions regarding the declaration on request:

"Article 9

Declaration on Request

1. The Inspector General shall have the duty to request the declaration of assets and private interests and the sources of their creation, according to the requirements of this Law, as well as to order the inspection of the accuracy of these declarations even for individuals, or natural and legal persons, when, from the verifications made, it turns out that the latter are persons related to entities that have the obligation to declare periodically.

2. The definition of a related person, pursuant to point 1 of this Article, shall also apply to a trustee, as defined in the legislation applicable to prevention of conflict of interests in the exercise of public functions, as well as to the cohabitants as defined by the Family Code.

3. The Inspector General, for the purpose of verifying the declaration of income, in accordance with the legislation applicable to income tax, shall send to the Minister of Finance and the General Director of Taxation information about the list of individuals who result as persons related with the declaring entities that have the obligation to declare, according to point 1 of this Article."

Bosnia and Herzegovina

(General Comment): In addition to the above stated options, in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, judges in Bosnia and Herzegovina are obliged to submit annual declaration of assets within the deadline set by the HJPC which shall not extend beyond 30 April of the current year.
A judge who is appointed to a judicial office for the first time, shall submit his/her entry declaration within 30 days from the day of assuming the office.
A judge whose mandate has expired shall submit his/her declaration pursuant to this Law for the first year following the expiry of their mandate.

(2024): In addition to the above stated options, in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, judges in Bosnia and Herzegovina are obliged to submit annual declaration of assets within the deadline set by the HJPC which shall not extend beyond 30 April of the current year.
A judge who is appointed to a judicial office for the first time, shall submit his/her entry declaration within 30 days from the day of assuming the office.
A judge whose mandate has expired shall submit his/her declaration pursuant to this Law for the first year following the expiry of their mandate.

(2023): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted. First appointment and promotion constitute a risk criterion requiring additional checks to be conducted ex officio in accordance with Article 86c paragraphs (4) to (8) of the Law on Amendments to the Law on the HJPC.).

Montenegro

(General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the
Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

North Macedonia

(General Comment): Law on prevention of corruption and conflict of interests (2019)
Reporting changes in assets and interests
Article 85
(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.
(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.
(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.
(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Serbia

(General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

(2024): In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

(2023): In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

(2021): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

Kosovo*

(General Comment): According to the Article 7 of the Law on declaration of assets:
The declaration of assets by the declaring entities is made in the following cases:
1.1. declaration upon assumption of duty;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position,
there is no obligation to make the declaration upon taking office. The same should only make the declaration
regular annual as provided by this law.
Other: at the request by the Anti-Corruption Agency

(2024): According to the Article 7 of the Law on declaration of assets:
The declaration of assets by the declaring entities is made in the following cases:
1.1. declaration upon assumption of duty;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position,
there is no obligation to make the declaration upon taking office. The same should only make the declaration
regular annual as provided by this law.

(2023): According to the Article 7 of the Law on declaration of assets:
The declaration of assets by the declaring entities is made in the following cases:
1.1. declaration upon assumption of duty;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.

(2022): According to the Article 7 of the Law on declaration of assets:
The declaration of assets by the declaring entities is made in the following cases:
1.1. declaration upon assumption of duty;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.

Question 195

Albania
(General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.
When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

Bosnia and Herzegovina

(General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. The financial statement shall include information about spouses, children and other persons who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

(2024): In accordance with the Article 86, paragraph 1 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina the judges are obliged to submit the asset declaration for themselves, their spouse or civil-law partner, parents and children and other persons with whom they share a household (hereinafter: the Declaration).

(2023): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

(2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Montenegro

(General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household.

North Macedonia

(General Comment): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests
(2) The declaration referred to in paragraph (1) of this Article shall contain:
- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;
- a statement of interest for him/her and his/her family members, which contains information on jobs and membership in management boards, membership in associations and foundations, and other data required by the prescribed form.

Serbia

(General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.

(2024): In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.

(2023): In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property

(2021): According to the Law on the Corruption Prevention:
In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

Kosovo*

(General Comment): According to Article 14 of the Law on Declaration of Assets:
Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.
2.The family members for whom the declaring entity declares the assets, are as follows:
2.1. spouse;
2.2. extramarital spouse;
2.3. parents; and
2.4. children.
Other family members: parents who live in the same household
Regarding children, the declaration concerns children with whom he/she lives in the same household

(2024): According to Article 14 of the Law on Declaration of Assets:
Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.
2.The family members for whom the declaring entity declares the assets, are as follows:
2.1. spouse;
2.2. extramarital spouse;
2.3. parents; and
2.4. children.

(2023): According to Article 14 of the Law on Declaration of Assets:
Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.
2.The family members for whom the declaring entity declares the assets, are as follows:
2.1. spouse;
2.2. extramarital spouse;
2.3. parents; and
2.4. children.

(2022): According to Article 14 of the Law on Declaration of Assets:
Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.
2.The family members for whom the declaring entity declares the assets, are as follows:
2.1. spouse;
2.2. extramarital spouse;
2.3. parents; and
2.4. children.

Question 196

Bosnia and Herzegovina
(General Comment): In accordance with the amendment to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. the Article 86e), which has been applied since 2024, HJPC has established the Register of Declarations on Assets and Interests. Declarations of judges and prosecutors whose mandate has terminated shall be expunged from the Register ten years after mandate termination. Expungement is suspended during any ongoing use of the declarations and attached documents by the Council or any other authority for an official procedure.

North Macedonia
(General Comment): There is not separate declaration form for the family members, the data for the family members are declared in the same declaration form.

(2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Question 198

Albania

(General Comment): Article 25/1
Complete audit of the declaration of assets and private interests
1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:
a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
d) Every 5 years for other officials not included in the above letters.
Points 2 and 3 are abrogated
4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.
5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Serbia

(General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.
*Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting Annual Verification Plan.

(2024): In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
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(2023): In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.
*Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting Annual Verification Plan.

(2022): financial discrepancies (unusual change in assets, liabilities, income, etc.) *Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

(2021): Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

Kosovo*
(General Comment): The Agency verifies the content of each asset declaration. "Unexplained financial discrepancies ": article 18 § 11 of the Law on declaration, origin and control of assets and gifts refers to the control of discrepancies in the data of the assets from the previous year. Besides, § 2 of article 18 specifies that the control of the declarations implies also checking data against information from previous forms.

Question 199

Bosnia and Herzegovina
(General Comment): In accordance with the amendment to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. the Article 86e), which has been applied since 2024, HJPC has established the Register of Declarations on Assets and Interests. Declarations of judges and prosecutors whose mandate has terminated shall be expunged from the Register ten years after mandate termination. Expungement is suspended during any ongoing use of the declarations and attached documents by the Council or any other authority for an official procedure.

North Macedonia
(2023): http://www.dksk.org.mk/imoti_2/

(2022): http://www.dksk.org.mk/imoti_2/

Kosovo*
(2024): In the Agency for Prevention of Corruption

Question 200

Albania

(General Comment): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While from 2019, approximately 10,937 asset declarations were made publicly available. Request can be submitted online or in writing to the appropriate contact point (designated contact point for this purpose) of HIDACCI.

(2022): Asset declarations are made public upon requests coming from citizens, NGO, Media and for the period, 2014 - 2022, approximately 66,204 copies of declaration forms were made publicly available. During the year 2021, 3,553 declarations were made publicly available, while during 2022, 4,271 declarations were made publicly available
In general declarations are made public through requests coming from citizens, NGO, and Media, which can be submitted through the official email address or in writing to HIDACCI. Through the processing of such requests hard copies of the requested declaration forms are provided in compliance with the provisions of the laws on the right of information and the protection of personal data. These declarations are usually published in open data sources such as Open Data Albania. However as of 2022, with the implementation and improvement of the new online declaration system (EACIDS) which is now fully functional for declaration purposes, the publication of all the declarations is possible through this system for public access.

(2021): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of
cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While from 2019, approximately 10,937 asset declarations were made publicly available. HIDAACI has published during 2020 in total 6,182 declarations. Request can be submitted online or in writing to the appropriate contact point (designated contact point for this purpose) of HIDACCI.

Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Declarations of assets of all judges and prosecutors will be published on the website of the HJPC BiH.

(2024): The Article 86a. of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes that declaration of assets shall be published on the HJPC website with the purpose to strengthen integrity, transparency and public trust in the judiciary, and to prevent conflict of interest and other impermissible influence on the performance of a judicial office. The following data from the declaration shall not be available to the public: names of minor persons listed in the declaration, except for the first letter of their first name, personal identity number and residence address of the judge or prosecutor or other persons listed in the declaration, the name and number of the street where the property listed in the declaration is located, bank account numbers and other financial ID numbers, individual amounts of cash owned by a judge or prosecutor and individual amounts of money owned by other household members, registration numbers of vehicles.
Annual income tax return and other attachments that a judge submit with their declarations shall not be available to the public.
First and last names of the relatives of a judge working in the judiciary, the bar, public attorney or notary offices shall be published on the HJPC website. Relatives shall include relatives in the direct line of descent, relatives in the lateral line of descent up to a third degree, relatives-in-law to a second degree and the child of a spouse, spouse or a civil-law partner, adoptive parents and adopted children. Furthermore, the Article 21 of the Book of Rule is related to transparency of processing declaration and prescribes that annual declarations and end-of-term declarations of judges are published on the website of the HJPC within 30 days of the deadline for filing declarations. Initial asset declarations of newly appointed judges are published on the website of the HJPC within 30 days from assuming office. Information from asset declarations not available to the public pursuant to the Article 86a of the Law on the HJPC BiH is clearly marked in asset declaration form to be filled out electronically.
Information from asset declarations of judges whose term of office has been terminated will not be publicly available three years after the termination.

(2023): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH during 2023 (for the declaration of assets for 2022). The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Montenegro

(General Comment): www.antikorupcija.me

(2024): https://www.antikorupcija.me/me/registri/

(2023): https://www.antikorupcija.me/me/registri/

(2022): https://www.antikorupcija.me/me/registri/

North Macedonia

(General Comment): http://www.dksk.org.mk/imoti_2/

(2024): https://registar.dksk.mk/submission-forms?page=0&rowsPerPage=5&naming=true

(2023): http://www.dksk.org.mk/imoti_2/

(2022): http://www.dksk.org.mk/imoti_2/

(2021): http://www.dksk.org.mk/imoti_2/

Serbia

(2024): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda

(2023): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda

Kosovo*

(General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal database of the Agency

Question 201

Albania

(General Comment): Article 40/1 of the law no.9049/2003 provides that "1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL" Criminal sanction, Article 257/a/1 of the Criminal Code "Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration" provides that "The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment".
Disciplinary sanction , Article 15 of the Law no.9049/2003 provides that "The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets".

Bosnia and Herzegovina

(General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 58 (List of Measures)
(1) The Council may impose one or more of the following disciplinary measures:
(a) A written warning which shall not be made public;
(b) Public reprimand;
(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

(2014). The Article 56, paragraph 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for judges which includes (among others):
l) violating provisions of this Law on submitting declaration of assets and interests;
Therefore non-declaration of assets is prescribed by the law explicitly as a disciplinary offence for the judge for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the judges:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion,determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
In order to support the disciplinary commissions and the Council in determining and imposing disciplinary measures in accordance with the Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council adopted in July 2016 internal Guidelines for Determining Disciplinary Measures in Disciplinary Proceedings. These

(2021): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder.
However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 58 (List of Measures)
(1) The Council may impose one or more of the following disciplinary measures:
(a) A written warning which shall not be made public;
(b) Public reprimand;
(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate,
order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

(2019): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
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(b) Public reprimand;
(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

Montenegro

(General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.
Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts.

(2024): The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount od 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.

(2023): The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount od 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.

(2022): Other disciplinary sanction: The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount of 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.

North Macedonia

Article 75
(1) A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:
1) severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
2) gross influence and interference in the performance of the judicial function of another judge;
3) if he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or
4) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.
Dismissal of a judge
Article 74 (1) The judge shall be dismissed from the judicial office:
- due to a more serious disciplinary violation that makes him unfit for
performance of the judicial function prescribed by law and
- due to unprofessional and negligent performance of the judicial function under conditions
established by law.
The judge is dismissed from the judicial position according to the grounds
provided for in paragraph (1) of this article, if:
- the violation was committed with intent or obvious negligence due to the judge's fault
without justifiable reasons and
- the injury caused serious consequences.
In the case of a lighter form of violation of the grounds from paragraph (1) hereof
article, the judge may be subject to a disciplinary measure.
In accordance with Article 78 of the Law on Courts On the established responsibility of a judge, the Council can pronounce one of
the following disciplinary measures:
- written warning,
- public reprimand,
- salary reduction in the amount of 15% to 30% of the monthly salary
judge for one to six months.

Serbia

(General Comment): Types of Measures Article 82

A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.

Requirements for Pronouncing Measures

Article 83

Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.

According to the Law on the Corruption Prevention:

According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).

According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

(2024): A public official may be pronounced a measure of reprimand or a measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision. Requirements for Pronouncing Measures
Article 83
Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.
According to the Law on the Corruption Prevention:
According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

(2023): A public official may be pronounced a measure of reprimand or a measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.
Requirements for Pronouncing Measures
Article 83
Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.
According to the Law on the Corruption Prevention:
According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

(2021): Types of Measures Article 82

A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.

Requirements for Pronouncing Measures

Article 83

Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.

According to the Law on the Corruption Prevention:

According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).

According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

Kosovo*

(General Comment): According to the Law on declaration, origin and control of assets and gifts, Article 28:
The Agency is competent to impose punitive measure against the declaring entities in the following cases:
1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
1.3. failure to file the regular annual declaration of assets upon termination of the mandate
under Article 10 of this Law;
1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.
3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.
4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.
5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code:
Article 430
Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations
1. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who fails to do so, shall be punished by a fine or by imprisonment of up to three (3) years. The offense in paragraph 1. of this Article is deemed committed when the deadline for filing the declaration has passed and no report has been filed.
2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.
3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

(2024): For a delay in declaration, a fine of 30% of the payment is imposed.
For inaccuracies up to 3,000 euros, a warning is issued.
For inaccuracies exceeding 3,000 euros, a criminal complaint is prepared.

(2023): According to the Law on declaration, origin and control of assets and gifts, Article 28:
The Agency is competent to impose punitive measure against the declaring entities in the following cases:
1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
1.3. failure to file the regular annual declaration of assets upon termination of the mandate
under Article 10 of this Law;
1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
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(2022): According to the Law on declaration, origin and control of assets and gifts, Article 28:
The Agency is competent to impose punitive measure against the declaring entities in the following cases:
1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
1.3. failure to file the regular annual declaration of assets upon termination of the mandate
under Article 10 of this Law;
1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.
3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.
4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.
5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code:
Article 430
Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations
1. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who fails to do so, shall be punished by a fine or by imprisonment of up to three (3) years. The offense in paragraph 1. of this Article is deemed committed when the deadline for filing the declaration has passed and no report has been filed.
2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.
3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

Question 202

Albania
(2024): The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.

**(2023): ***The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.

(2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the ��Code of Administrative Procedures".
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;
(d) False declaration; (e) Assessee found in situation of conflicts of interests.

Bosnia and Herzegovina

(2022): The cases are pending.

(2019): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Montenegro

(2024): 8 misdemeanor procedures against active and former judges:
- 2 for failing to submit the regular annual report on income and assets;
- 3 for not submitting the report on income and assets 30 days after the termination of office;
- 2 for not submitting the report on income and assets one and two years after the termination of office;
- 1 for submitting a report with inaccurate and incomplete data.

2 administrative procedures against judges for submitting a report lacking accuracy and completeness.
To date, there has been 1 warning from the competent court for misdemeanors, and 2 decisions by the APC regarding violations of the LPC by judges.

(2023): -Due to the failure to submit the regular annual report on income and assets for the year 2022, two misdemeanor proceedings were initiated against judges in 2023. Both proceedings have been completed: in one case, a warning was issued, and in the other, an acquittal was issued. Source: Agency for Suppression of Corruption

(2022): Misdemeanour proceedings:
During the reporting period, 4 misdemeanor proceedings were initiated against former judges for failing to submit assets declaration 30 days after termination of office and one year after termination of office, and 3 proceedings for failing to submit regular annual asset declaration. 2 were completed, others are ongoing. The outcome of these misdemanour proceedings was 2 warnings.
Administrative proceedings:
In the reporting period, administrative proceedings were initiated against 2 judges related to the submission of reports with incorrect and incomplete data in 2021.
Data on administrative procedures initiated due to the submission of reports with incorrect and incomplete data in 2022 will be known by the first quarter of 2023.
In 2022, decisions were made that 70 judges (69 from 2021 and 1 from 2022) did not submit accurate and complete data in the regular annual report for 2020.
Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

(2021): 90 administrative proceedings and 85 misdemeanor proceedings initiated;
7 administrative proceedings completed
13 misdemeanor proceedings completed Sanctions pending
13 sanctions issued: 12 warnings and 1 fine of 150 EUR

Serbia
(2024): The entered data refers to the number of proceedings conducted by the Agency, when we talk about the number of proceedings conducted by the misdemeanor courts, the number of cases initiated is 6, the number of completed cases is 5 (2 cases from 2022, 1 case from 2023, and 2 cases from 2024), and when it comes to the number of sanctions imposed the total is 5 (3 measures of reprimands and 2 monetary fines of 15.000,00 and 20.000,00 RSD)

(2023): Q202. Number of proceedings against judges due to violations/discrepancies in their declaration of assets:
Number of cases initiated Number of cases completed Number of sanctions pronounced
Number of proceedings conducted by the Agency 36 (2 from 2023
4 from 2022) 5 (4 measures of reprimand 1 measure public announcement of decision on the violation of the law (3-2022 and 2-2023)
Number of proceedings conducted by the misdemeanour courts 64 (from 2022) 3 measures of reprimands and 1 monetary fine 30.000,00 Serbian dinars

(2022): 57 measures of reprimand and 1 fine of 30000 RSD

Kosovo*
(2024): There has been only one case where a judge was sanctioned with a fine for delayed reporting.

Question 203

Bosnia and Herzegovina

(General Comment): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted.

(2024): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. The implementation of the Law has started in 2024. Therefore pursuant to the Article 86, paragraph 1 (Declaration of Assets and Interests) of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of BiH, number 25/04, 93/05, 48/07, 15/08, 63/23, 9/24 i 50/24) prosecutors are obliged to submit to the HJPC their initial and annual declaration of assets and interests, including the manner and time of acquiring those assets and their acquisition value, income, interests, liabilities, expenditures and guarantees for themselves, their spouse or civil-law partner, parents and children and other persons with whom they share a household.

(2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.
After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an administrative dispute initiated by the HJPC before the Court of of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in of Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2018 using an earlier financial statement form. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2019 using an earlier financial statement form. Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

(2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).
The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.
Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH. Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.

Montenegro

(General Comment): Law on prevention of corruption

(2021): Law on prevention of corruption

North Macedonia

(2024): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)

(2023): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)

(2022): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)

Serbia

(General Comment): According to the Law on the Corruption Prevention:
VII. PROPERTY DISCLOSURE REPORT
Regular property disclosure report
Article 68
A public official shall, within 30 days from the date of election, appointment or nomination, submit to the Agency the report on his/her property and income (hereinafter referred to as: the Report), the property and income of the spouse or common-law partner, as well as of the minors if living in the same household, according to the state on the date of election, appointment or nomination.
A public official, who, upon termination of public office is immediately re-elected, reappointed or renominated, shall not file the Report again, if there are no changes to the data provided in the previous Report, but shall be bound to inform the Agency thereof, within 30 days from the date of re-election, reappointment or renomination.
The Report shall also be filed by a person whose public office terminated, within 30 days from the date of termination of public office, according to the state on the date of termination of public office.
Extraordinary property disclosure report
Article 69
If the property or income of a public official significantly change in the previous year, the public official shall file the Report to the Agency according to the state on 31 December, of the previous year, and prior to the expiry of deadline for the filing of the annual tax return for determining taxes to citizens' income.
Significant change shall exist if property or income were increased or decreased, according to the prior Report, or if exceeding the average annual salary without taxes and contributions in the Republic of Serbia or if the structure of such property has changed.
The person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

(2023): THE LAW ON THE PREVENTION OF CORRUPTION ("Official Gazette of RS", no. 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021 and 14/2022)

(2022): Law on the Corruption Prevention

(2021): Law on Prevention of Corruption

Question 205

Albania
(2024): https://www.ildkpki.al/formularet-e-deklarimit-3/

(2023): https://www.ildkpki.al/formularet-e-deklarimit-3/

(2022): https://www.ildkpki.al/formularet-e-deklarimit-3/

(2021): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

Bosnia and Herzegovina

(2024): Due to changes related to system of the declaration of assets by judges as provided by the Law on Amendments to the Law on the HJPC, adopted in September 2023, the HJPC adopted the new declaration of assets form on 28.02.2024. The prosecutors are obliged to submit the declaration of assets form electronically using a web-based declaration form that constitutes an integral part of the declaration filing software. The declarations are filed via a web application prescribed by the HJPC BiH, using the declarant's user account. After electronic filing, the declarants must print, sign and deliver the electronic form to the HJPC BiH by either registered mail or in person. The content of the declaration filed electronically and delivered to the HJPC BiH by post or in person must be identical.
Pursuant to Article 86i of the Law on the HJPC BiH, the Council adopted in February 2024 the Book of Rules of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on Declaring Assets and Interest (hereinafter referred to as: “the Book of Rules”), which regulates, among other things, additional details related to the asset declaration form, including the attachments to be submitted with it, deadlines and the procedure for submitting of the asset declaration. The Instructions for Completing the Asset Declaration Form (hereinafter referred to as the “Instructions”) were reviewed and adopted by the Council on session held on 17 and 18 July 2024.
Taking in the consideration that this is a new form of the asset declaration, and that it is the first time that it will be submitted electronically, the Council, at its session held on 27 and 28 November 2024, adopted the conclusion that prosecutors are obliged to submit the initial asset declaration form for 2023 by 31 March 2025.

(2023): The Law on Amendments to the Law on the HJPC was adopted in September 2023. The new legislation is in force since 23 December 2023. The HJPC has been preparing all necessary documents for the implementation of these amendments, including an electronic form for filing asset and interest declarations currently being prepared by the HJPC's ICT Department.

(2019): Please consult the comments made for Q203

Montenegro

(2024): https://obsidian.antikorupcija.me/izvjestaj-imovine

(2023): https://www.antikorupcija.me/me/korisnicki-servisi/

(2022): https://www.antikorupcija.me/me/korisnicki-servisi/

North Macedonia

(2023): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/promenanaimotnasostojbaNMK.pdf

(2022): https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf
https://dksk.mk/wp-content/uploads/2021/12/promenanaimotnasostojbaNMK.pdf

Serbia

(2024): Form added to the previous questionnaire

(2023): Form added to the previous questionnaire

(2022): added to this questionnaire (unofficial translation)

(2021): Yes, added to the previous questionnaire but only in Serbian.

Kosovo*

(2022): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

(2021): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

Question 206

Albania

(General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:
a) immovable properties and the real rights over them according to the Civil Code;
b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
c) Items with special value over 300 000 (three hundred thousand) ALL;
ç) The value of shares, securities and parts of capital owned;
d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
ë) Licenses and patents that bring income.
f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;
h) Any declarable expenses, worth over 300,000 (three hundred thousand) ALL, carried out during the declaration year;
Private interests of other types, different from those specified in Article 4 of this Law, may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by order of the Inspector General.
2. Subjects specified in Article 3/1 of this law, shall be obliged to declare – to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests – their private interests, their sources, as well as their domestic and out-of-country financial obligations, in compliance with Article 5/1 of this law and in accordance to the timeframes stipulates by the effective legislation.

(2022): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, eg. for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

(2021): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, e.g., for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

Montenegro

(General Comment): Data Reported
Art. 24
The Report shall contain:
1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother' name and mother's maiden surname.
2) Data about the public function exercised;
3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:
- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, educational, cultural, artistic, humanitarian, sports or similar associations.
For the purpose of verification of the data from the Report, a public official may give consent to the Agency for access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.
The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.
A public official shall enter the data referred to in para 1 in the Report form.
The Report form shall be established by the Agency and published on its website. Submission of Reports
Art. 25 A public official shall submit the Report to the Agency electronically, and in writing.

Serbia

(General comment) Content of the report

Article 71

1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovables; right of ownership or right of lease over movables which are subject to registration;
15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
16) lease of safe deposit boxes in banks;
17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
18 shares and interest in a legal entity;
19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
20) financial instruments;
21) entrepreneurial activity;
22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.

* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance with Article 62 of the Law on the Corruption Prevention through compulsory reporting and

(2024): Comments According to the Law on the Corruption Prevention:
Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount ofother net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;9) net incomes from scientific and research, educational, cultural and artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovables; right of ownership or right of lease over movables which are subject to registration;
14) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts; 15) lease of safe deposit boxes in banks;
16) receivables and debts (principle amount, interest, repayment periods and date of maturity); 17) shares and interest in a legal entity;
18) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest; 19) financial instruments;
20) entrepreneurial activity;
21) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance with Article 62 of the Law on the Corruption Prevention through compulsory reporting and maintaining of gift records. Detailed explanation is in the answers for the Indicator 8.4 Conflicts of interests (question 217).

(2023): According to the Law on the Corruption Prevention
Content of the Report
Article 71
1) name and surname;
2) public office;
3) unique personal identification number;
4) place of residence and temporary place of residence;
5) telephone number and electronic mail address;
6) other job, activity and membership in bodies of associations;
7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
8) source and amount of net income from another job or activity;
9) net incomes from scientific and research, educational, cultural and
artistic, humanitarian and sporting activity;
10) property rights; incomes deriving from copyrights, patents and other intellectual
11) source and amount of other net income;
12) right of use of the apartment for official purposes;
13) right of use or right of lease over immovables; right of ownership or right of lease over movables which are subject to registration;
14) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
15) lease of safe deposit boxes in banks;
16) receivables and debts (principle amount, interest, repayment periods and date of maturity);
17) shares and interest in a legal entity;
18) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
19) financial instruments;
20) entrepreneurial activity;
21) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.
* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift. These gifts are not being

(2022): gift form added to the previous questionnaire

Kosovo*

(General Comment): Article 6 of the Law on declaration, origin and control of assets and gifts.

(2023): Article 6 of the Law on declaration, origin and control of assets and gifts

Question 207

Albania

(General Comment): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

(2024): Another declarations of assets from prosecutors is the Periodic/Annual Private Interest Statement, which are declared during each time the prosecutors apply for promotion in higher positions. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

(2021): Another declarations of assets from prosecutors is the Periodic/Annual Private Interest Statement, which are declared during each time the prosecutors apply for promotion in higher positions. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

Bosnia and Herzegovina

(General Comment): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted. First appointment and promotion constitute a risk criterion requiring additional checks to be conducted ex officio in accordance with Article 86c paragraphs (4) to (8) of the Law on Amendments to the Law on the HJPC.).

(2024): In addition to the above stated options, in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, prosecutors are obliged to submit annual declaration of assets within the deadline set by the HJPC which shall not extend beyond 30 April of the current year. A prosecutor who is appointed to a judicial office for the first time, shall submit his/her entry declaration within 30 days from the day of assuming the office. A prosecutor whose mandate has expired shall submit his/her declaration pursuant to this Law for the first year following the expiry of their mandate.

(2023): The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. For the purpose of verifying declarations, through the Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on Amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. A risk criterion is a circumstance or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted. First appointment and promotion constitute a risk criterion requiring additional checks to be conducted ex officio in accordance with Article 86c paragraphs (4) to (8) of the Law on Amendments to the Law on the HJPC.).

Montenegro

(General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets
Art. 23
A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.
A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:
- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.
In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.
A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the
Report to the Agency, according to the state of play on the day of submitting the Report.
When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.
The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

North Macedonia

(General Comment): Law on prevention of corruption and conflict of interests (2019)
Reporting changes in assets and interests
Article 85
(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.
(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.
(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.
(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Serbia

(General Comment): According to the Law on the Corruption Prevention:
In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

(2024): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

(2023): According to the Law on the Corruption Prevention:
In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.
A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

Kosovo*

(General Comment): Article 7 of the Law on declaration, origin and control of assets and gifts.
"Other": Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal.

(2024): The declaration of assets by the declaring entities shall be made on the occasion as follows:
1.1. declaration when taking office;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office

(2023): The declaration of assets by the declaring entities shall be made on the occasion as follows:
1.1. declaration when taking office;
1.2. regular annual declaration;
1.3. declaration after termination or dismissal from public office

(2021): Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal

Question 208

Albania

(General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.
When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

(2021): accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.
When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions

Bosnia and Herzegovina

(General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2024): In accordance with the Article 86, paragraph 1 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina the prosecutors are obliged to submit the asset declaration for themselves, their spouse or civil-law partner, parents and children and other persons with whom they share a household (hereinafter: the Declaration).

(2023): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

(2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Montenegro

(General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household

Serbia

(General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

(2024): In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.

(2023): According to the Law on the Corruption Prevention:
In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property.

Kosovo*
(General Comment): Article 14 of the Law on declaration, origin and control of assets and gifts.
Other family members:
Parents who live in the same household
Adult children who live in the same household

Question 209

North Macedonia
(General Comment): There is not separate declaration form for the family members, the data for the family members are declared in the same declaration form.

(2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Question 211

Albania

(General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;

b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;

c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.

ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;

d) Every 5 years for other officials not included in the above letters.

Points 2 and 3 are abrogated

4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.

5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Serbia

(General Comment): According to the Law on the Corruption Prevention:
In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office.The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
In accordance with Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.
* Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

(2024): According to the Law on the Corruption Prevention:
In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office.The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
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(2023): According to the Law on the Corruption Prevention:
In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office.The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.
In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.
*Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting the Annual Verification Plan.

(2021): unexplained financial discrepancies (unusual change in assets, liabilities, income, etc.) - Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

Question 212

Bosnia and Herzegovina
(General Comment): In accordance with the amendment to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (i.e. the Article 86e), which has been applied since 2024, HJPC has established the Register of Declarations on Assets and Interests. Declarations of judges and prosecutors whose mandate has terminated shall be expunged from the Register ten years after mandate termination. Expungement is suspended during any ongoing use of the declarations and attached documents by the Council or any other authority for an official procedure.

North Macedonia
(2024): https://registar.dksk.mk/submission-forms?page=0&rowsPerPage=5&naming=true

(2023): http://www.dksk.org.mk/imoti_2/

(2022): http://www.dksk.org.mk/imoti_2/

Question 213

Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Declarations of assets of all judges and prosecutors will be published on the website of the HJPC BiH.

(2024): The Article 86a. of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes that declaration of assets shall be published on the HJPC website with the purpose to strengthen integrity, transparency and public trust in the judiciary, and to prevent conflict of interest and other impermissible influence on the performance of a prosecutor's office. The following data from the declaration shall not be available to the public: names of minor persons listed in the declaration, except for the first letter of their first name, personal identity number and residence address of the judge or prosecutor or other persons listed in the declaration, the name and number of the street where the property listed in the declaration is located, bank account numbers and other financial ID numbers, individual amounts of cash owned by a judge or prosecutor and individual amounts of money owned by other household members, registration numbers of vehicles.
Annual income tax return and other attachments that a prosecutor submits with their declarations shall not be available to the public.
First and last names of the relatives of a prosecutor working in the judiciary, the bar, public attorney or notary offices shall be published on the HJPC website. Relatives shall include relatives in the direct line of descent, relatives in the lateral line of descent up to a third degree, relatives-in-law to a second degree and the child of a spouse, spouse or a civil-law partner, adoptive parents and adopted children. Furthermore, the Article 21 of the Book of Rule is related to transparency of processing declaration and prescribes that annual declarations and end-of-term declarations of prosecutors are published on the website of the HJPC within 30 days of the deadline for filing declarations. Initial asset declarations of newly appointed prosecutors are published on the website of the HJPC within 30 days from assuming office. Information from asset declarations not available to the public pursuant to the Article 86a of the Law on the HJPC BiH is clearly marked in asset declaration form to be filled out electronically.
Information from asset declarations of judges whose term of office has been terminated will not be publicly available three years after the termination.

(2023): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH during 2023 (for the declaration of assets for 2022). The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023. The Law entered into force on 23 September 2023 and it is in application since from 23 December 2023. However, the implementation of the Law will begin in 2024, following the organizational and technical preparations at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Montenegro

(General Comment): www.antikorupcija.me

(2024): https://www.antikorupcija.me/me/registri/

(2023): https://www.antikorupcija.me/me/registri/

(2022): https://www.antikorupcija.me/me/registri/

(2021): https://www.antikorupcija.me/me/registri/

North Macedonia

(General Comment): http://www.dksk.org.mk/imoti_2/

(2024): https://registar.dksk.mk/submission-forms?page=0&rowsPerPage=5&naming=true

(2023): http://www.dksk.org.mk/imoti_2/

(2022): http://www.dksk.org.mk/imoti_2/

(2021): http://www.dksk.org.mk/imoti_2/

Serbia

(2024): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda

(2023): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda

(2022): https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda

(2021): http://www.acas.rs/pretraga-registra/

Kosovo*

(General Comment): It is published on the website of the Anti-Corruption Agency and also in the internal database of the Agency

(2024): In the webpage of the Agency for Prevention of Corruption

(2021): Anti corruption agency web page

Question 214

Albania

(General Comment): Fine, Article 40/1 of the law no.9049/2003 provides that "1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below:
a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL" criminal sanction, Article 257/a/1 of the Criminal Code "Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration" provides that "The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment" disciplinary sanction, Article 15 of the Law no.9049/2003 provides that "The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets".

Bosnia and Herzegovina

(General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 58 (List of Measures) (1) The Council may impose one or more of the following disciplinary measures: (a) A written warning which shall not be made public; (b) Public reprimand; (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) Temporary or permanent reassignment to another court or prosecutor's office; (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024.
In Article 58 paragraph (1), item (c), after the word "salaries" the following words shall be added: "or emoluments", and in item (e), after the words: "to a position of a prosecutor" the following words shall be added: "or demotion from the position of a Council President or Vice-President to a position of a council member".

(2014). The Article 54, paragraph 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for prosecutors which includes (among others):
l) violating provisions of this Law on submitting declaration of assets and interests;
Therefore non-declaration of assets is prescribed by the law explicitly as a disciplinary offence for the prosecutor for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the prosecutors:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion,determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
In order to support the disciplinary commissions and the Council in determining and imposing disciplinary measures in accordance with the Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council adopted in July 2016 internal Guidelines for Determining Disciplinary Measures in Disciplinary Proceedings. These

(2019): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 58 (List of Measures)
(1) The Council may impose one or more of the following disciplinary measures:
(a) A written warning which shall not be made public;
(b) Public reprimand;
(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d) Temporary or permanent reassignment to another court or prosecutor's office;
(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.
(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.
(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

Montenegro

(General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.
Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts. Other disciplinary sanction: sanctions are those that can be imposed for heavy disciplinary offence: fine in amount of 20-40 percent of monthly income for the period of 3 to 6 months or prohibition of promotion.

(2024): For suspension it is not possible directly, just indirectly. No data on the actual suspension as a result of non declaration, Please see explanation in the judges section

(2023): For suspension it is not possible directly, just indirectly. No data on the actual suspension as a result of non declaration, Please see explanation in the judges section

North Macedonia

(General Comment): Article 91 from the new Law on Public Prosecution office prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

(2021): Article 91 from the new Law on Public Prosecution office from 2020 prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

Serbia

(General Comment): Types of Measures Article 82
A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.
Requirements for Pronouncing Measures
Article 83
Measure of reprimand shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.
According to the Law on the Corruption Prevention:
According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).
According to the Law on the Corruption Prevention:
According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

(2024): Types of Measures Article 82
A public official may be pronounced a measure of reprimand or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of reprimand or a measure of public announcement of the decision on violation of this Law.
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1 Fine
According to the Law on the Corruption Prevention:
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Kosovo*

(General Comment): According to Article 430 of the Criminal Code “Failure to report or falsely report assets, income, gifts, other material benefits or financial obligations 1. Any person who by law is obliged to declare assets, income, gifts, other property benefit or financial obligations, and who does not do so, is punished by a fine or by imprisonment of up to three (3) years. The criminal offense from paragraph 1. of this Article is considered to have been committed when the statement is not submitted within the deadline for submission of the statement. "

(2022): According to Article 430 of the Criminal Code “Failure to report or falsely report assets, income, gifts, other material benefits or financial obligations 1. Any person who by law is obliged to declare assets, income, gifts, other property benefit or financial obligations, and who does not do so, is punished by a fine or by imprisonment of up to three (3) years. The criminal offense from paragraph 1. of this Article is considered to have been committed when the statement is not submitted within the deadline for submission of the statement. "

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Question 215

Albania

(2024): The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.

**(2023): ***The cases represent administrative investigations conducted by HIDAACI while sanctions represent fines.

(2022): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions
in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal
Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;
(d) False declaration; (e) Assessee found in situation of conflicts of interests.
For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To ilustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

(2022): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by assessees or their related persons.HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.
The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).
Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation subjects and related persons).
The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

Bosnia and Herzegovina

(2019): There were no proceedings against prosecutors according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Montenegro

(2024): Decision made:
- the proposal for determining disciplinary liability is rejected as unfounded, because the proposal was submitted for an action that is not prescribed as a disciplinary offense
- the proposal to establish disciplinary liability is rejected as unfounded due to the lack of evidence that the appointee committed a disciplinary offense

(2022): Misdemeanour proceedings. In the reporting period, 2 misdemeanor proceedings were initiated against former prosecutors due to failure to submit asset declarations 30 days after termination of public office. 1 was completed, other is ongoing. The outcome of these proceedings was 1 fine in the amount of 300 euros
Administrative proceedings:
Also, in the reporting period, proceedings were initiated against 35 prosecutors related to the submission of reports with incorrect and incomplete data in 2021. Data on administrative proceedings initiated due to the submission of asset declaratios with incorrect and incomplete data in 2022 will be known by the first quarter of 2022;
Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

(2021): The number on proceedings related to prosecutors is not final, since the verification process for the last year is still ongoing until 31st March this year. The number of prosecutors is less than number of judges. The Annual Plan of Verification includes verification half the number of judges (166) and half the number of prosecutors (60). This information should help better understanding the results of the verification process of these two target groups.

Serbia

(2024): The entered data refers to the number of proceedings conducted by the Agency, when we talk about the number of proceedings conducted by the misdemeanor courts, the number of cases initiated is 18, the number of completed cases is 3, and when it comes to the number of sanctions imposed, 2 measures of reprimands and 1 acquittal.
The reason for the increased number of initiated and completed proceedings is the Annual Plan for the Verification of Assets and Income for 2024, which, in addition to other public officials, significantly includes public officials from the judiciary. This covers chief public prosecutors of basic public prosecutor's offices in the Republic of Serbia, judges of the Administrative Court, and judges of the Commercial Appellate Court.
A detailed overview of the Annual Plan for the Verification of Assets and Income is published on the Agency's website: https://www.acas.rs/cyr/page_with_sidebar/plan_provere.

(2023): 3 measures of reprimand (from 2022)

(2022): 7 measures of reprimand

Question 217

Albania

(General Comment): 1.Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule.
2.The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations.
3.The official cannot accept gifts given to him because of his position by a private individual, natural or legal person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are excluded acceptance of preferential gifts or treatments for protocol reasons interest of any kind.
4.Law no. 96/2016 date 6.10.2016 art. 9.

(2024): Regulation/procedure for recusal/withdrawal from a case – article 72-75 Civil Procedural Code + Article 15-22 Criminal Procedural Code;
Regulation on combining the profession of a judge with other functions/professional activities Article 9 of the Law no 986/2016 “On the status of judges and prosecutors in the Republic of Albania

(2023): No changes from previous years.

(2022): Regulation/procedure for recusal/withdrawal from a case – article 72-75 Civil Procedural Code + Article 15-22 Criminal Procedural Code;
Regulation on combining the profession of a judge with other functions/professional activities Article 9 of the Law no 986/2016 “On the status of judges and prosecutors in the Republic of Albania

(2021): https://www.ildkpki.al/legjislacioni-section2-en/?lang=en law on conflicts of interes provides rules on reporting a potential conflict of interest
Withdrawing from a case is regulated in civil procedure code and criminal procedure code
http://www.gjykataelarte.gov.al/web/etika_4929.pdf
Code of ethics provides the relevant rules for gifs other ethics issues

Bosnia and Herzegovina

PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.
2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.
2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.
Regulation on receiving gifts:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.
4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.
4.12 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a judge with other functions/professional activities:
THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 82
(General Prohibition against Incompatible Functions)
(1)A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial function or that would affect the independence or dignity of judicial or prosecutorial office, cast doubt upon his or her ability to act impartially, or demean judicial or prosecutorial office.

(2014): Regulation/procedure on reporting a (potential) conflict of interest. The Article 83 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina referring to the Referral to the Council prescribes that judge may request the Council's opinion on whether his/her activities are compatible with his or her office and the provisions of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. A court president may also request Council's opinion when he or she believes that a judge performs or intends to perform an activity that is incompatible with his or her office. Court president shall inform the judge concerned about the request for opinion.
In addition to issuing opinions in response to specific request, the Council may also, ex officio, issue its opinion on compatibility of a judicial office with the activities they perform upon receiving the information from Article 83, paragraph (3) of this Law. Council's opinion on compatibility of offices shall be binding and compliance with it shall protect the judge against the risk of disciplinary proceedings. Regulation/procedure for recusal/withdrawal from a case:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.
2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.
2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.
Regulation on receiving gifts:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.
4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.
4.12 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a judge with other functions/professional activities:
THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 82 (Prohibition against holding incompatible offices)

(2021) Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.
2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.
2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.
Regulation on receiving gifts:
THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.
4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.
4.12 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a judge with other functions/professional activities:
THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA
Article 82
(General Prohibition against Incompatible Functions)
(1)A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial function or that would affect the independence or dignity of judicial or prosecutorial office, cast doubt upon his or her ability to act impartially, or demean judicial or prosecutorial

North Macedonia

(General comment) Regulation on reporting a potential conflict of interest

Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

Article 76

(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.

(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person; or

Serbia

(General comment); Law on prevention of corruption Articles 43-45; Law on judges Articles 81-86
Law on civil procedure Articles 66-69, Law on criminal procedure code 37-40
Law on prevention of corruption Articles 57, 58 and 66
According to Law on judges (“Official Gazette of RS", No. 10/2023) a judge may not hold function in other authority of the Republic of Serbia, authority of autonomous province, local units of self-government, city municipality or public authorities, if a law doesn’t prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.
Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.
The Ethics Committee decides which job or a private interest is contrary to the dignity and independence of a judge and damaging to the reputation of the judicial function, on the basis of the Code of Ethics. A judge may, outside of working hours, be engaged in teaching, scientific and artistic activities and be a member of a body for the verification of competencies, for a fee, without special approval. In a case stipulated by the law, a judge may be engaged in teaching and scientific activities in a Judicial Academy during working hours. During working hour, upon the approval of the president of the court, a judge may participate in the work of professional bodies established in accordance with special regulations and working groups for the preparation of laws and other acts. A judge is required to notify the High Judicial Council, in writing, of another function, a job or a private interest that may be deemed incompatible with judicial function. The notification may be submitted to the High Judicial Council by any person. The High Judicial Council initiates and leads the decision-making process on the incompatibility of the judicial function with other function , a job or a private interest in accordance with the act of the High Judicial Council. The High Judicial Council shall notify the judge, the president of the court and the president of the immediately superior court about the existence of incompatibility of a function, a job or a private interest with the judicial function.
Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)
Notifying the Agency
Article 42
A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.
A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.
The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.
Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.
The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

(2014). According to Law on judges ("Official Gazette of RS", Nos 116, 2022), judge may not hold function in other authority of the Republic of Serbia, authority of autonomous province, local units of self-government, city municipality or public authorities, if a law doesn't prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.

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Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)

Notifying the Agency

Article 42

A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

Article 43.

Initiation of the procedure for deciding on the existence of a conflict of interest Article 43.

(2022). According to Law on judges ("Official Gazette of RS", No. 10, 2023), a judge may not hold function in other authority of the Republic of Serbia, autonomous province, local units of self-government, city municipality or public authorities, if a law doesn't prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.

Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.

The Ethics Committee decides which job or a private interest is contrary to the dignity and independence of a judge and damaging to the reputation of the judicial function, on the basis of the Code of Ethics. A judge may, outside of working hours, be engaged in teaching, scientific and artistic activities and be a member of a body for the verification of competencies, for a fee, without special approval. In a case stipulated by the law, a judge may be engaged in teaching and scientific activities in a Judicial Academy during working hours. During working hour, upon the approval of the president of the court, a judge may participate in the work of professional bodies established in accordance with special regulations and working groups for the preparation of laws and other acts. A judge is required to notify the High Judicial Council, in writing, of another function, a job or a private interest that may be deemed incompatible with judicial function. The notification may be submitted to the High Judicial Council by any person. The High Judicial Council initiates and leads the decision-making process on the incompatibility of the judicial function with other function , a job or a private interest in accordance with the act of the High Judicial Council. The High Judicial Council shall notify the judge, the president of the court and the president of the immediately superior court about the existence of incompatibility of a function, a job or a private interest with the judicial function.

Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)

Notifying the Agency

Article 42

A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

Article 43.

Initiation of the procedure for deciding on the existence of a conflict of interest

(2022): Notifying the Agency

Article 42

A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.

A Catalogue of Gifts

Article 66

Using the data from the record of gifts, the Agency shall publish a Catalogue of Gifts on its website.

The Catalogue of Gifts shall be published by 1 June of the current year for the previous calendar year.

(2022) In accordance with Article 12 of the Law on the Corruption Prevention a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.
A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest unless threat of delay exists.
The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.
Should the public official seek opinion on the existence of conflict of interest during public procurements, the Agency shall provide opinion thereof, within eight days.
The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.
Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.
According to the Law on the Corruption Prevention:
VI GIFTS
Term of Gifts
Article 57
A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.
Prohibition of Receiving a Gift
Article 58
A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.
Handover of the Received Protocol or Appropriate Gift to the Body of Public
Authority
Article 59
A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.
An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.
Received appropriate or protocol gifts shall become public property, in line with the law governing public property.
A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.
Retaining Property over Protocol and Appropriate Gifts

Kosovo*

(General Comment): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Agency for Prevention of Corruption is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. Article 20, par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function stipulates that: Institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.

(2024): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Agency for Prevention of Corruption is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.
Additionally, this law in Article 5, paragraph 1, point 1.3, defines as a disciplinary violation cases where a judge breaches their duties, whether committed intentionally or through gross negligence. Furthermore, point 2.6 classifies as a violation of this nature the failure of a judge to report possible disqualification cases from a procedure when required by law.
Additionally, the procedures related to complaints, investigations, and disciplinary proceedings are regulated under Chapter III of Law No. 06/L-057 on the Disciplinary Responsibility of Judges and Prosecutors.
For more details, you can access the law through the following link: https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336.

(2023): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.

Question 218

Albania

(General comment) Article 5 of the Law no 96/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced;
d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh)are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.
3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on:
a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.
5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council.
6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extraoffice activities which do not fall under the scope of powers of the Council, where the magistrate:
a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law;
8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.
9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

(2024): In regard to “Research and publication” the possibility of giving contribution to doctrine “Without remuneration” is included as it is not prohibited. In regard of the extra-office activity of judges, article 9 of Law No. 96/2016 foresees as quoted below: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function; c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced; d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh) are not incompatible with the exercise of the magistrates’ function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities. 3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on: a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months. 5. Before accepting an assignment to undertake a remunerated extra-office activity, the magistrate must obtain the consent of the relevant Council. 6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extra-office activities which do not fall under the scope of powers of the Council, where the magistrate: a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law. 8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.

(2023): In regard of the extra-office activity of judges, article 9 of Law No. 96/2016 foresees as quoted below: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function; c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced; d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh) are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities. 3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on: a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months. 5. Before accepting an assignment to undertake a remunerated extra-office activity, the magistrate must obtain the consent of the relevant Council. 6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extra-office activities which do not fall under the scope of powers of the Council, where the magistrate: a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law. 8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office. From the given answer, "Teaching" remains "with remuneration" as the previous year. In regard to "Research and publication" the possibility of giving contribution to doctrine "Without remuneration" is included as it is not prohibited.

(2022) Article 8 of the Law No 96, 2019 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. A magistrate may undertake an extra office activity, only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not to lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced;
d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh)are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.
3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on:
a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.
5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council.
6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extraoffice activities which do not fall under the scope of powers of the Council, where the magistrate:
a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law;
8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.
9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

North Macedonia

(General Comment): The Law on the courts
Article 52
(1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, expect for cases provided by law.
(2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.
(3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the purpose of gaining profit.
(4) The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects.
(5) The judge for the period while teaching as an educator at the Academy for Judges and Public Prosecutors, may perform the judicial function in a reduced amount, in accordance with the law.
(6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.
(7) The judge cannot be a member or hold a political office within a political party or carry out political or party activity.
Law on prevention of corruption and conflict of interest – Article 44 paragraph 6 "(6) Official person may earn income from scientific, teaching, cultural, artistic and sporting activities and from copyrights, patents and similar rights, intellectual and industrial property, unless otherwise stipulated by law."

Serbia
(General Comment): According to Law on judges ("Official Gazette of RS", No. 10/2023) a judge may not hold function in other authority of the Republic of Serbia, authority of autonomous province, local units of self-government, city municipality or public authorities, if a law doesn't prescribe otherwise, may not be a member of a political party or act politically in some other manner, engage in any paid public or private work, nor extend legal services or advice for compensation. Exceptionaly, a judge may be a member of the Managing Board and the Program Council of the Judicial Academy, in accordance with the law governing the Judicial Academy.
Incompatible with judicial function is also other function, a job or a private interest, which is contrary to the dignity, reputation and independence of a judge.
The Ethics Committee decides which job or a private interest is contrary to the dignity and independence of a judge and damaging to the reputation of the judicial function, on the basis of the Code of Ethics. A judge may, outside of working hours, be engaged in teaching, scientific and artistic activities and be a member of a body for the verification of competencies, for a fee, without special approval. In a case stipulated by the law, a judge may be engaged in teaching and scientific activities in a Judicial Academy during working hours. During working hour, upon the approval of the president of the court, a judge may participate in the work of professional bodies established in accordance with special regulations and working groups for the preparation of laws and other acts. A judge is required to notify the High Judicial Council, in writing, of another function, a job or a private interest that may be deemed incompatible with judicial function. The notification may be submitted to the High Judicial Council by any person. The High Judicial Council initiates and leads the decision-making process on the incompatibility of the judicial function with other function , a job or a private interest in accordance with the act of the High Judicial Council. The High Judicial Council shall notify the judge, the president of the court and the president of the immediately superior court about the existence of incompatibility of a function, a job or a private interest with the judicial function.

(2024): Law on Mediation in Dispute Resolution ("Official Gazette of RS", No. 55/2014) Judges can mediate exclusively outside of working hours and without compensation.
Law on Judges (“Official Gazette of RS", No. 10/2023) Article 31. position 5-7. A judge can, outside of working hours, engage in teaching, scientific and artistic activities without special approval and be a member of a body for checking expertise, for a fee. In the case specified by law, a judge may, during working hours, perform teaching and scientific activities at the Judicial Academy. During working hours, with the approval of the president of the court, a judge can participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of laws and other acts.
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Judges are public officials in the sense of the law that regulates the prevention of corruption and have all the obligations imposed on public officials as stipulated by such a law.

(2023): Law on Mediation in Dispute Resolution ("Official Gazette of RS", No. 55/2014) Judges can mediate exclusively outside of working hours and without compensation.
Law on Judges (“Official Gazette of RS", No. 10/2023) Article 31. position 5-7. A judge can, outside of working hours, engage in teaching, scientific and artistic activities without special approval and be a member of a body for checking expertise, for a fee.
In the case specified by law, a judge may, during working hours, perform teaching and scientific activities at the Judicial Academy.
During working hours, with the approval of the president of the court, a judge can participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of laws and other acts.

(2022): Scientific activity and cultural activities with and without remuneration

About this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

(2021): Scientific activity and cultural activities with and without remuneration

About this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Kosovo*

(2024): Based on Law No. 06/L-054 on Courts:

Judges, with prior approval from the Council, have the right to participate in professional organizations and scientific meetings that promote judicial independence and protect the professional interests of judges.

Judges, with the approval of Court Presidents, and Court Presidents with the approval of the Council, may participate in activities outside of working hours, provided these activities comply with the Code of Ethics and Professional Conduct for Judges.

In accordance with the provisions of the Code of Ethics and Professional Conduct for Judges, judges may engage in professional and scientific writing. However, they are not permitted to publish the relevant content of judicial case files during or after their judicial tenure unless expressly allowed by law or a bylaw issued by the Council.

For the activities outlined in this article, judges may receive compensation, which must not exceed twenty-five percent (25%) of their base salary. Judges must notify the Court President of such compensation, while Court Presidents must inform the Council.

Question 219

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Serbia
(General Comment): Yes, by the High Judicial Council and Agency on prevention od corruption

Question 220

Montenegro
(2022): Law on Judicial Council and judges
Opinion on other Activities
Article 102
At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.
A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright, shall not be deemed to professionally perform other activity within the meaning of the Constitution

Serbia
(2024): Agency for prevention on corruption

(2023): Agency for prevention on corruption

Kosovo*

(2024): For a judge, the approval of the respective Court President is required, whereas for the Court President, the approval of the KJC (Kosovo Judicial Council) is needed.

Question 221

Bosnia and Herzegovina

(2024): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

(2023): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

(2022): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Question 222

Albania

(General Comment): In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

**(2023): ***No changes from previous year.

Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56), being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;
(f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Article 56. being engaged in activities that are incompatible with the prosecutorial function represents a

North Macedonia

(General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

(2024): Law on prevention of corruption and conflict of interests.

(2023): Law on prevention of corruption and conflict of interests.

(2022): Law on prevention of corruption and conflict of interests.

(2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Serbia

(General Comment): The Law on judges
The Law on the prevention of corruption
The Civil procedure Law
The Criminal procedure Law

(2024): The law on prevention of conflict of interest in the Serbian legal framework is the Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021, 14/2022)
Other marked laws (in addition to the Law on the prevention of corruption) are the one that regulates recusals.
According to the Law on Judges (“Official Gazette of RS", No. 10/2023) article 97. Disciplinary offenses, among others, are:
1) violation of the principle of impartiality;
2) failure of the judge to ask for exemption in cases where there is an obvious reason for exemption, that is, exclusion provided for bylaw;
9) accepting a gift contrary to the regulation governing conflict of interest;
12) performance of another function, job or private interest that is incompatible with the function of a judge; The consequence of the above-mentioned disciplinary violations may be the dismissal of the judge.
The Law on Judges (“Official Gazette of RS", No. 10/2023) further regulates initiation of the procedure to determine the reasons for the judge's dismissal Article 99.
If in the disciplinary procedure it is determined by a final decision that the judge has committed a serious disciplinary offense, the High Council of the Judiciary, i.e. the Disciplinary Commission can initiate a procedure to determine the reasons for the judge's dismissal. In the procedure for determining the reason for the dismissal of a judge from paragraph 1 of this article, the High Council of the Judiciary assesses whether the committed disciplinary offense seriously damages the reputation of the judicial function or the public's trust in the judiciary.

(2023): The law on prevention of conflict of interest in the Serbian legal framework is the Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021, 14/2022)
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9) accepting a gift contrary to the regulation governing conflict of interest;
12) performance of another function, job or private interest that is incompatible with the function of a judge;
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In the procedure for determining the reason for the dismissal of a judge from paragraph 1 of this article, the High Council of the Judiciary assesses whether the committed disciplinary offense seriously damages the reputation of the judicial function or the public's trust in the judiciary.

Kosovo*

(General comment): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest. Article 22
Administrative Procedures of the Agency in Cases of Conflict of Interest
1. The procedure shall begin at the Agency:
1.1. ex officio;
1.2. at the request of a senior official;
1.3. at the request of the official and following the approval by the employing institution;
1.4. at the request of the institution;
1.5. on basis of reporting by another person or on basis of anonymous information.
2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.
3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.
4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.
5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.
6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.
7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.
8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.
9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.
10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.
11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.
12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.

(2022). The procedure is regulated in Article 22 of the Law on prevention of conflict of interest. Article 22
Administrative Procedures of the Agency in Cases of Conflict of Interest
1. The procedure shall begin at the Agency:
1.1. ex officio;
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6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.
7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.
8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.
9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.
10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.
11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.
12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.

Question 223

Albania

(General Comment): Please briefly describe the procedure: Please note that civil procedure code and criminal procedure code have been checked because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so.
Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the status of judges and prosecutors, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".

**(2023): ***No changes from previous year.

Bosnia and Herzegovina

(General comment) According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56), being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;
(f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Article 56. Generally, according to the Law the following disciplinary measures may be pronounced for the legally

(2014). The Article 56, paragraph 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for judges that includes (among others):
c) not disqualifying himself or herself from hearing a case when a conflict of interest exists; o) being engaged in activities that are incompatible with the judicial function;
p) exceeding any limitations related to income generated from fees for additional activities;
t) accepting a gift or reward whose purpose is to inappropriately influence the judge's decisions or actions, including cases where the gift or reward only give an impression of inappropriate influence.
Therefore the breaches of rules on conflict of interests are prescribed by the law explicitly as a disciplinary offences for the judge for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the judges:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
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(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Montenegro

(General Comment): see provisions of the Law on Prevention of Corruption in related sections
Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law.
Law on Misdemeanors regulates misdemeanor proceedings in general, which also applies when the proceedings initiated for the breach of Law on Prevention of Corruption

(2022): see provisions of the Law on Prevention of Corruption in related sections
Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law

North Macedonia
(General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

(2024): Law on prevention of corruption and conflict of interests.

(2023): Law on prevention of corruption and conflict of interests.

(2022): Law on prevention of corruption and conflict of interests.

(2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Serbia

(General Comment): In accordance with articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus, the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of law.
The law on prevention of conflict of interest in the Serbian legal framework is the Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - authentic interpretation, 94/2021, 14/2022)
Other marked laws (in addition to the Law on the prevention of corruption)are the one that regulates recusals.
According to the Law on Judges (“Official Gazette of RS", No. 10/2023) article 97. Disciplinary offenses, among others, are:
1) violation of the principle of impartiality;
2) failure of the judge to ask for exemption in cases where there is an obvious reason for exemption, that is, exclusion provided for by law;
9) accepting a gift contrary to the regulation governing conflict of interest;
12) performance of another function, job or private interest that is incompatible with the function of a judge;
The consequence of the above-mentioned disciplinary violations may be the dismissal of the judge.
The Law on Judges (“Official Gazette of RS", No. 10/2023) further regulates initiation of the procedure to determine the reasons for the judge's dismissal
Article 99.
If in the disciplinary procedure it is determined by a final decision that the judge has committed a serious disciplinary offense, the High Council of the Judiciary, i.e. the Disciplinary Commission can initiate a procedure to determine the reasons for the judge's dismissal.
In the procedure for determining the reason for the dismissal of a judge from paragraph 1 of this article, the High Council of the Judiciary assesses whether the committed disciplinary offense seriously damages the reputation of the judicial function or the public's trust in the judiciary.

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Question 224

Albania

(General comment): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons.HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.
The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).
Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation subjects and related persons).
The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(2022). Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
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Bosnia and Herzegovina
(General Comment): .

(2024): At the end of 2024, disciplinary proceedings were underway, initiated during the reporting period, against two judges for failing to recuse themselves from their specific court cases.

(2019): The numbers included in the table refer to disciplinary procedures initiated against judges in the reference year.

Montenegro

(2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.
In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.
In the remaining two cases, the procedure is ongoing.

North Macedonia

(2024): A judge has been issued a misdemeanor sanction and an initiative to determine liability

Serbia

(2024): According to data from the Anti-Corruption Agency, the number of cases initiated is 2, the number of cases completed is 1, and the number of sanctions pronounced is 1, as a measure of reprimand. Proceedings conducted by the misdemeanor courts are 0 for all three fields.

(2023): 1 measure - public announcement of the recommendation for dismissal from the public office. The entered data are the one related to the proceedings for conflict of interesd counducted by the Agency for prevention of corruption.
Please consider additional data regarding procedures conducted by the High Judicial Council in 2023 2023- 6 decisions - not incompatible with the function of a judge

(2022): 2 measures of reprimand

(2021): Number of cases completed - 8 (6 cases initiated before 2021 and 2 cases initiated in 2021)
Number of sanctions pronounced - 2 (1 measure of reprimand for the case initiated in 2019, and 1 decision which imposes the termination of second public office by force of the law for the case initiated in 2020)

Question 226

Albania

public function:

1. Criminal Procedure Code (as above mentioned);
2. Law “On the status of judges and prosecutors”, as amended;
3. Law no. 9367, dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended;
4. Order no. 141, dated 19.07.2014 “On adoption of rules on ethics and conduct of prosecutors”, of General Prosecution Office (as above mentioned).

In Articles 6-7, of the Law “On the status of judges and prosecutors”, as amended, concerning incompatibilities with the function of magistrate, it is provided that the function of magistrate is incompatible with the ... conduct of any political activity, whether or not the activity is carried out in conjunction with any political party or not, which may affect the independence of the magistrate, create a conflict of interest or, in any event, create the impression that the magistrate is impartial and unaffected.

Also, the Magistrate is prohibited from actively owning shares or portions of the capital of a business organization, or passively owning shares or portions of the capital of a business organization, if the company has profits or benefits from public contracts, in accordance with the prevention legislation of the conflict of interest in force as well as passively owning shares or portions of the capital of a company in which the activity of the magistrate is prohibited because it creates a conflict of interest.

According to Articles 32 and 35, of the Law “On the status of judges and prosecutors”, as amended, High Prosecutorial Council verifies the integrity and assets before the candidates are accepted in the initial formation/training in the School of Magistrates, part of which is the evaluation of possible conflict of interests based on the reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

According to Article 90, of the Law “On the status of judges and prosecutors”, as amended, part of the evaluation of the prosecutor's performance are:

a) … reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
b) the number of cases in which prosecutors have been expelled due to a conflict of interest.

Also, according to Article 102, of the Law “On the status of judges and prosecutors”, as amended, disciplinary violations in the exercise of office shall be the actions, omissions or behaviours of the magistrate, as follows: …. p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.

In Article 7 of Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that:

1. Every official, in the exercise of his powers or in the performance of his public duties, on the basis of his recognition and in good faith, is obliged to make a preliminary, on a case-by-case basis, of the existence of his private interests, which may cause to arise a conflict of interest.

(2024): The following laws and sub-laws are related with the prevention of conflict of interest of prosecutors:

1. Constitution of the Republic of Albania.
2. Criminal Procedure Code.
3. Law “On the status of judges and prosecutors in the Republic of Albania”, as amended
4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended
5. Decision nr. 26, dated 22.02.2019, “On the activities out of function of the prosecutors”, of High Prosecutorial Council
6. Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor", of High Prosecutorial Council
7. Decision no. 407, dated 17.12.2021, "On the approval of the Regulation" On the organization and internal functioning of the High Council of the Prosecution ", of High Prosecutorial Council

Article 148/d, of the Constitution provides that:

1. The prosecutor bears disciplinary responsibility under the law; 2. A prosecutor shall be dismissed by the High Prosecutorial Council when:

a) commits serious professional or ethical violations that discredit the position and image of the prosecutor in the exercise of his or her duties;

Article 149/a

1. High Prosecutorial Council exercises these responsibilities:

……..

ç) approves the rules on ethics and supervise their respecting.

In Article 26, point 1, of the Criminal Procedure Code is provided that:

“1. Prosecutor is obliged to give up when there exist reasons for bias on the cases provided in Article 17.”

In Article 17, of the Criminal Procedure Code is provided that:

1.A judge has the duty to quit the judgment of a particular case: a) when there is interest in the proceedings or when one of the private parties or a defence counsel is a debtor or creditor of his, his spouse or his children;

b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;

c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;

d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;

dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

e) when it is in one of the conditions of non-compliance provided for in Articles 15 and 16;

(2023). Constitution of the Republic of Albania.
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3. Law “On the status of judges and prosecutors in the Republic of Albania”, as amended
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c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;

d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;

dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

e) when it is in one of the conditions of non-compliance provided for in Articles 15 and 16;

ë) when there are other important causes of bias.”

(2022): The following laws are related with the prevention of conflict of interest of prosecutors:

1. Constitution of the Republic of Albania.
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3. Law “On the status of judges and prosecutors in the Republic of Albania”, as amended
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Article 149/a

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b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;

c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;

d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;

dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

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4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions” 5. Decision nr. 26, dated 22.02.2019, “On the activities out of function of the prosecutors”, of the High Prosecutorial Council.
6. Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor", High Council of the Prosecution.
7. Decision no. 407, dated 17.12.2021, "On the approval of the Regulation" On the organization and internal functioning of the High Council of the Prosecution ", of the High Council of the Prosecution.
Article 148/d, of the Constitution provides that:
1. The prosecutor bears disciplinary responsibility under the law; 2. A prosecutor shall be dismissed by the High Prosecutorial Council when:
a) commits serious professional or ethical violations that discredit the position and image of the prosecutor in the exercise of his or her duties;
Article 149/a
1. High Prosecutorial Council exercises these responsibilities:
……..
ç) approves the rules on ethics and supervise their respecting.
In Article 26, point 1, of the Criminal Procedure Code is provided that:
“1. Prosecutor is obliged to give up when there exist reasons for bias on the cases provided in Article 17.”
In Article 17, of the Criminal Procedure Code is provided that:
1.A judge has the duty to quit the judgment of a particular case: a) when there is interest in the proceedings or when one of the private parties or a defence counsel is a debtor or creditor of his, his spouse or his children;
b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;
c) when he has given advice or when he has expressed an opinion on the object of the proceedings;
ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;
d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;
dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;
e) when it is in one of the conditions of non-compliance provided for in Articles 15 and 16;

Bosnia and Herzegovina

(General comment) Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in
writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case:THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A prosecutor shall ensure that his or her
conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to
minimize the occasions on which it will be necessary for the prosecutor to be disqualified.
2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.
2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial
office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the
existence of potential reasons for his/her recusal from the cases he/she is involved in.
2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor
should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.
Regulation on receiving giftsTHE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the prosecutor's family, shall
neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a prosecutor knowingly allow such conduct by the
prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.
4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended
to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA

(2014) Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

The Article 85 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina referring to the Referral to the Council prescribes that prosecutor may request the Council's opinion on whether his/her activities are compatible with his or her office and the provisions of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. A chief prosecutor may also request Council's opinion when he or she believes that a prosecutor performs or intends to perform an activity that is incompatible with his or her office. Chief prosecutor shall inform the prosecutor concerned about the request for opinion.

In addition to issuing opinions in response to specific request, the Council may also, ex officio, issue its opinion on compatibility of a prosecutorial office with the activities they perform upon receiving the information from Article 83, paragraph (3) of this Law. Council's opinion on compatibility of offices shall be binding and compliance with it shall protect the prosecutor against the risk of disciplinary proceedings.

Regulation/procedure for recusal/withdrawal from a case:

THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA

2.2 A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified from cases.

2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a prosecutor should take into account in particular all of their previous duties and activities performed prior to taking the prosecutor's office.

2.2.b A prosecutor who intends to terminate their prosecutor's office or who knows that their office will be terminated by force of law or by the HJPC's decision, shall not use their prosecutor's office or prosecutor's resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.

2.2.c If a prosecutor knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the prosecutor should request to be recused. This implies that a prosecutor should take reasonable steps to be informed about financial, political or other interests of his/her family members.

Regulation on receiving gifts

THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA

4.11 A prosecutor and members of the prosecutor's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a prosecutor knowingly allow such conduct by the prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.

4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.

Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA

(2023) Regulation/procedure on reporting a (potential) conflict of interest THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)
A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.
Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A prosecutor shall ensure that his or her conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified.
2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.
2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the existence of potential reasons for his/her recusal from the cases he/she is involved in.
2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.
Regulation on receiving gifts THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the prosecutor's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a prosecutor knowingly allow such conduct by the prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.
4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.
Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 82
General Prohibition against Incompatible Functions
(1) A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial

Montenegro

(2024): in accordance with the aforementioned laws, a broader explanation - Articles 9, 10-27, Law on Prevention of Corruption
Internal rules: https://sudovi.me/static/spdt/doc/TU-S_I-1_br.37-23_Knjiga_internih_procedura_SDT-a,_5.6.2023..pdf
https://sudovi.me/static//vrdt/doc/KNJIGA_INTERNIH_PROCEDURA_2022.pdf
https://sudovi.me/static/vrdt/doc/TU_583-22-10_dopuna_internih_pravila.pdf

(2022): Law on Prevention of Corruption
Law on State Prosecution Service
Code of Ethics

North Macedonia

(General comment): Regulation on reporting a potential conflict of interest

Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest
Article 76
(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.
(2) The procedure referred to in paragraph (1) of this Article shall be initiated:
- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.
(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.
(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.
(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.
(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.
Article 77
(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.
(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.
(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:
- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person; or

(2022): Please, see general comment.

Serbia

(General comment): Law on the Prevention of Corruption articles 40-43, Law on Public Prosecutors articles 37, and 71-73, and Law on Criminal Procedure Code articles 37-40 and 42

Law on prevention of corruption ("Official Gazette 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022)

Notifying the Agency

Article 42

A public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless the threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

Article 43.

Initiation of the procedure for deciding on the existence of a conflict of interest

Article 43.

The Agency initiates ex officio a procedure in which it decides on the existence of a conflict of interest, within two years from the day of learning about the existence of the action or inaction of a public official that caused suspicion of a conflict of interest.

The procedure referred to in paragraph 1 of this article cannot be initiated or terminated if five years have passed since the action or inaction of the public official that caused the suspicion of a conflict of interest.

The Agency can also initiate proceedings upon the application of a natural or legal person.

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

(2023): Law on the Prevention of Corruption articles 40-43, Law on Public Prosecutors articles 37, and 71-73, and Law on Criminal Procedure Code articles 37-40 and 42

(2022) 2),In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.
A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.
The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.
Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.
The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.
Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.
2)
VI GIFTS
Term of Gifts
Article 57
A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.
Prohibition of Receiving a Gift
Article 58
A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.
Handover of the Received Protocol or Appropriate Gift to the Body of Public
Authority
Article 59
A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.
An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.
Received appropriate or protocol gifts shall become public property, in line with the law governing public property.
A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.
Retaining Property over Protocol and Appropriate Gifts

Kosovo*

(General Comment): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

(2024): LAW NO. 08/L-108 ON DECLARATION, ORIGIN AND CONTROL OF ASSETS AND GIFTS https://gzk.rks-gov.net/ActDetail.aspx?ActID=61304 Criminal Procedure Code https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=61759
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION
LAW NO. 08/L-108 ON DECLARATION, ORIGIN AND CONTROL OF ASSETS AND GIFTS
This Law aims to define the system of declaration of assets, including the ways and procedures of declaration of assets and gifts, the origin and control of declared assets and gifts, as well as declaring entities, in order to prevent corruption, conflict of interest and to strengthen the integrity of public institutions, including sanctioning.
Criminal procedure Code:
DISQUALIFICATION OF STATE PROSECUTORS
Article 43
Bases for Disqualification of State Prosecutors
1.A state prosecutor shall be disqualified from a particular case:
1.5.If a conflict of interest exists as defined by relevant legislation.
LAW NO. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION
The purpose of this law is to strengthen the integrity of the public sector as well as guaranty the discharge of public duties in an objective, impartial and transparent manner in service of public interest through identification, prevention, management and resolution of conflict of interests of officials.
The provisions in this law define the principles, rules and procedures of permitted and prohibited activities of officials in the performance of public duties as well as the measures foreseen for violation of provisions defined in this law. This law regulates also the procedures for reporting obligations, measures for prevention, identification, management and resolution of conflict of public and private interest during and after discharge of official public duties and the duties and responsibilities of competent authorities.

(2023): LAW NO. 08/L-108 ON DECLARATION, ORIGIN AND CONTROL OF ASSETS AND GIFTS https://gzk.rks-gov.net/ActDetail.aspx?ActID=61304 Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

(2022): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials
Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

(2021): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of All Public Officials
Criminal Procedure Code
Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

Question 227

Albania

(General Comment): According to Article 9, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:
a) are in accordance with the dignity of exercising the function;
b) do not create perceptions of influence or bias during the exercise of the function;
c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
ç) do not conflict with the purpose for which the workload has been reduced;
d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.
The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation. The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.

(2024): According to Article 9, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:
a) are in accordance with the dignity of exercising the function;
b) do not create perceptions of influence or bias during the exercise of the function;
c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
ç) do not conflict with the purpose for which the workload has been reduced;
d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.
The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation. The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.
Also, the prosecutor, without violating the established deadlines and the efficient exercise of the functions, can participate in unpaid activities (without remuneration) outside the function, without the approval of the High Prosecutorial Council, only in cases where:
a) acts as a representative of the prosecution;
b) participates in activities for issues related to the judicial or prosecution system and makes general public statements within the framework of participation in these activities;
c) participates in discussions on legal issues.

(2023): According to Article 9, of the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:
a) are in accordance with the dignity of exercising the function;
b) do not create perceptions of influence or bias during the exercise of the function;
c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
ç) do not conflict with the purpose for which the workload has been reduced;
d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.
The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation.
The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.
The prosecutor, without violating the established deadlines and the efficient exercise of the functions, can participate in unpaid activities (without remuneration) outside the function, without the approval of the High Prosecutorial Council, only in cases where:
a) acts as a representative of the prosecution;
b) participates in activities for issues related to the judicial or prosecution system and makes general public statements within the framework of participation in these activities;
c) participates in discussions on legal issues

Montenegro

(General Comment): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.
The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.
The work of lecturers as well as the work of researchers and the publication of scientific papers are not in conflict with the performance of the prosecutorial function.

North Macedonia

(General Comment): Law on Public prosecution office
Article 49
(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.
(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.

Serbia

(General comment) Law on public prosecutors ("Official Gazette 10, 2023)
5. Incompatibility of the public prosecutor's function with another function, job or private interest
The relationship of another function, work or private interest with the public prosecutor's function
Article 71
The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.
Any other function, job or private interest that is contrary to the reputation and independence of the public prosecutor's office is also incompatible with the public prosecutor's office.
The Ethics Committee decides which function, job or private interest is in conflict with the dignity and independence of the holder of the public prosecutor's office and harms the reputation of the public prosecutor's office, based on the Code of Ethics.
The holder of the public prosecutor's office may, outside of working hours, engage in artistic, teaching and scientific activities, for a fee, without special approval.
In the case specified by law, the holder of the public prosecutor's office can, during working hours, perform teaching and scientific activities at the Judicial Academy.
During working hours, the public prosecutor may, with the approval of the Supreme Public Prosecutor or the Chief Public Prosecutor, participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of a law or other act.
Procedure for deciding on incompatibility
Article 72
The holder of the office of public prosecutor is obliged to inform the High Council of Prosecutors in writing about another office, job or private interest that may be incompatible with the office of public prosecutor.
The notice referred to in paragraph 1 of this article can be submitted to the High Council of the Prosecution by any other person.
The High Prosecution Council initiates and leads the decision-making process on the incompatibility of the public prosecutor's function with another function, job or private interest, in accordance with the act of the High Prosecution Council.
The High Council of the Prosecutor's Office informs the holder of the public prosecutor's office, the chief public prosecutor and the immediately senior chief public prosecutor, about the existence of incompatibility of function, job or private interest with the public prosecutor's office.
Application of another regulation
Article 73
The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.

(2014). Law on public prosecutors (Official Gazette 116, 2008)
5. Incompatibility of the public prosecutor's function with another function, job or private interest
The relationship of another function, work or private interest with the public prosecutor's function
Article 71
The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.
Any other function, job or private interest that is contrary to the reputation and independence of the public prosecutor's office is also incompatible with the public prosecutor's office.
The Ethics Committee decides which function, job or private interest is in conflict with the dignity and independence of the holder of the public prosecutor's office and harms the reputation of the public prosecutor's office, based on the Code of Ethics.
The holder of the public prosecutor's office may, outside of working hours, engage in artistic, teaching and scientific activities, for a fee, without special approval.
In the case specified by law, the holder of the public prosecutor's office can, during working hours, perform teaching and scientific activities at the Judicial Academy.
During working hours, the public prosecutor may, with the approval of the Supreme Public Prosecutor or the Chief Public Prosecutor, participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of a law or other act.
Procedure for deciding on incompatibility
Article 72
The holder of the office of public prosecutor is obliged to inform the High Council of Prosecutors in writing about another office, job or private interest that may be incompatible with the office of public prosecutor.
The notice referred to in paragraph 1 of this article can be submitted to the High Council of the Prosecution by any other person. The High Prosecution Council initiates and leads the decision-making process on the incompatibility of the public prosecutor's function with another function, job or private interest, in accordance with the act of the High Prosecution Council.
The High Council of the Prosecutor's Office informs the holder of the public prosecutor's office, the chief public prosecutor and the immediately senior chief public prosecutor, about the existence of incompatibility of function, job or private interest with the public prosecutor's office.
Application of another regulation
Article 73
The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.

The relationship of another function, work or private interest with the public prosecutor's function

Article 71

The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.

Any other function, job or private interest that is contrary to the reputation and independence of the public prosecutor's office is also incompatible with the public prosecutor's office.

The Ethics Committee decides which function, job or private interest is in conflict with the dignity and independence of the holder of the public prosecutor's office and harms the reputation of the public prosecutor's office, based on the Code of Ethics.

The holder of the public prosecutor's office may, outside of working hours, engage in artistic, teaching and scientific activities, for a fee, without special approval.

In the case specified by law, the holder of the public prosecutor's office can, during working hours, perform teaching and scientific activities at the Judicial Academy.

During working hours, the public prosecutor may, with the approval of the Supreme Public Prosecutor or the Chief Public Prosecutor, participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of a law or other act.

Procedure for deciding on incompatibility

Article 72

The holder of the office of public prosecutor is obliged to inform the High Council of Prosecutors in writing about another office, job or private interest that may be incompatible with the office of public prosecutor.

The notice referred to in paragraph 1 of this article can be submitted to the High Council of the Prosecution by any other person.

The High Prosecution Council initiates and leads the decision-making process on the incompatibility of the public prosecutor's function with another function, job or private interest, in accordance with the act of the High Prosecution Council.

The High Council of the Prosecutor's Office informs the holder of the public prosecutor's office, the chief public prosecutor and the immediately senior chief public prosecutor, about the existence of incompatibility of function, job or private interest with the public prosecutor's office.

Application of another regulation

Article 73

The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.

(2021): Scientific activity and cultural activities with and without remuneration

About this question, an official (public prosecutor, deputy prosecutor) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Kosovo*

(General Comment): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressively permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the prosecutors shall notify the Chief Prosecutor and the Chief Prosecutors shall notify the Council ".

And of course, they can conduct these activities without remuneration, if they wish.

Prosecutors may also engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

(2024): Law No. 08/L-167 on State Prosecutor

Article 37 Professional activities 1. The prosecutor with the prior approval of the Chief Prosecutor of the Prosecution Office, while the Chief Prosecutors of Prosecution Offices with the prior approval of the Council, have the right to participate in professional organizations or scientific meetings which promote the independence and protection of professional interests of prosecutors. 2. The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only. 3. In accordance with the provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writing, but may not publish the relevant content of prosecutorial files during or after the termination of the prosecutorial function, unless expressly permitted by applicable legislation. 4. Prosecutors and Chief Prosecutors, for the activities provided in this Article, receive a remuneration, which may not exceed the value of twenty-five (25%) percent of the basic salary, and for this remuneration the prosecutors notify the Chief Prosecutor, while the Chief Prosecutors notify the Council.

(2023): Law on State Prosecutor
Article 37 Professional activities 1. The prosecutor with the prior approval of the Chief Prosecutor of the Prosecution Office, while the Chief Prosecutors of Prosecution Offices with the prior approval of the Council, have the right to participate in professional organizations or scientific meetings which promote the independence and protection of professional interests of prosecutors. 2. The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only. 3. In accordance with the provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writing, but may not publish the relevant content of prosecutorial files during or after the termination of the prosecutorial function, unless expressly permitted by applicable legislation. 4. Prosecutors and Chief Prosecutors, for the activities provided in this Article, receive a remuneration, which may not exceed the value of twenty-five (25%) percent of the basic salary, and for this remuneration the prosecutors notify the Chief Prosecutor, while the Chief Prosecutors notify the Council.

(2022): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

(2021): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

Question 228

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Serbia

(General Comment): Law on public prosecutors (Official Gazette 10, 2023)
5. Incompatibility of the public prosecutor's function with another function, job or private interest
The relationship of another function, work or private interest with the public prosecutor's function
Article 71
The holder of the public prosecutor's office cannot hold office in another body of the Republic of Serbia, body of an autonomous province, local self-government unit, city municipality or public service, public company or other legal entity whose founder or member is the Republic of Serbia, autonomous province, local self-government unit or city municipality, unless otherwise determined by law, engage in public or private paid work, nor provide legal services or give legal advice for a fee.
Any other function, job or private interest that is contrary to the reputation and independence of the public prosecutor's office is also incompatible with the public prosecutor's office.
The Ethics Committee decides which function, job or private interest is in conflict with the dignity and independence of the holder of the public prosecutor's office and harms the reputation of the public prosecutor's office, based on the Code of Ethics.
The holder of the public prosecutor's office may, outside of working hours, engage in artistic, teaching and scientific activities, for a fee, without special approval.
In the case specified by law, the holder of the public prosecutor's office can, during working hours, perform teaching and scientific activities at the Judicial Academy.
During working hours, the public prosecutor may, with the approval of the Supreme Public Prosecutor or the Chief Public Prosecutor, participate in the work of an expert body formed in accordance with a special regulation and a working group for the drafting of a law or other act.
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Application of another regulation
Article 73
The holder of the office of public prosecutor is a public official in the sense of the law governing the prevention of corruption and is subject to the obligations of a public official established by that law.

Question 229

Serbia

(General Comment): The High Prosecutorial Council

Kosovo*

(2024): The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only.

(2023): 2. The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only.

Question 230

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.
A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Question 231

Albania

(2014). According to the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, failure to file a request for waiver of proceedings of adjudication of the case, where is mandatory, by law, if the magistrate was aware or should have been aware of such circumstances is a disciplinary violation. Anyone can submit a complaint to the High Inspector of Justice against a prosecutor to investigate whether the latter has exercised the function under conditions of conflict of interest. If, after the disciplinary investigation, it is established that there has been a disciplinary violation from the magistrate, the High Inspector of Justice proposes to the High Prosecutorial Council, the approval of a disciplinary measure. In Decision no. 407, dated 17.12.2021, "On the organising and functioning of High Prosecutorial Council" of High Prosecutorial Council regarding the conflict of interest is provided that:

1. A member of the Council shall avoid actual, apparent or potential conflicts of interest and other legal obstacles to perform his or her duties in good faith.
2. A member of the Council shall take active measures to prevent actual, apparent or potential conflicts of interest arising from family, gender or in-law relationships.
3. Each member of the Council shall, immediately upon receipt of the agenda and materials for a future meeting of the Council, the Commission or the working group and, in any case, before voting on the relevant issue, declare the conflict of interest or obstacle. The member of the Council who has declared the conflict of interest or obstacle shall not participate in the discussion or voting of the relevant issue.
4. If a conflict of interest occurs, the member shall request to withdraw from the discussion or vote. The decision to accept the resignation of the member shall be taken by the Head of the Council. When the Head resigns, the decision to accept it shall be taken by the Deputy Head.
5. If a member is aware that another member of the Council is in a conflict of interest or obstacle, he shall declare it immediately upon becoming aware of it and, in any case, before the vote of the relevant issue.
6. The member, for whom a conflict of interest or legal obstacle is alleged, shall declare his position regarding this claim. If the member considers that the claim is valid, as the case may be, he shall not participate in the discussion or voting on the relevant issue or shall withdraw. When the request for withdraw is submitted in a plenary session, a meeting of the Commission or a working group, the discussion or voting on the issue in question shall be postponed to the next plenary session or Meeting. 7. The parties may request the exclusion of a member of the Council from participating in the administrative procedure, only at the preliminary stage of the process, when exists one of the grounds for withdraw the procedure according to the law, and the member does not voluntarily withdraw on that issue. The decision to exclude a member from the participation in the plenary meeting or Commission shall be taken by the Council, in accordance with the rules provided for in the law. When the exclusion of the Head of the Council is requested, the meeting shall be chaired by the Deputy Head of the Council. 8. In the event that the Council deems it necessary, it shall request an official opinion from the HIDAACCI regarding the situation of the conflict of interest.

Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interests in the exercise of public functions", as amended, aims to ensure that the exercise of public duty is carried out without being influenced by the private interests of the official, directly or indirectly, which affect, may affect or appear to affect the improper performance of his public duties and responsibilities. This law defines the rules, tools, ways, procedures, responsibilities and powers for the identification, declaration, registration, treatment, resolution and punishment of cases of conflict of interest. The law is enforced by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI).

According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor

(2023): Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interests in the exercise of public functions", as amended, aims to ensure that the exercise of public duty is carried out without being influenced by the private interests of the official, directly or indirectly, which affect, may affect or appear to affect the improper performance of his public duties and responsibilities. This law defines the rules, tools, ways, procedures, responsibilities and powers for the identification, declaration, registration, treatment, resolution and punishment of cases of conflict of interest. The law is enforced by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI).
According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor and is punishable by a fine. The fines are higher, according to the evaluation of the measure of the violation and according to the level of increase in the official's position.
In article 45, it is determined that any violation of the obligations defined in this law by officials constitutes a disciplinary violation, regardless of criminal or administrative liability. The measures and procedures defined by the Constitution and the relevant law (Law "On the status of judges and prosecutors", as amended) apply to officials who are members of constitutional bodies (such as prosecutor's offices). According to Article 26, of Criminal Procedural Code, the prosecutor has the duty to resign when there are reasons of one-sidedness in the cases provided by Article 17. On the declaration of relinquishment, according to their duties dhe decision is taken from the head of the prosecution at the court of first instance, of the prosecution at the court of appeal, the General Prosecutor and the head of the Special Prosecution. For the heads of prosecutions, the decision is taken from dhe heads of the higher prosecution offices. With the decision accepting the relinquishment declaration, the prosecutor who resigned is replaced by another prosecutor.
In Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor" of High Prosecutorial Council is provided that, the head of the prosecution office oversees compliance with the rules of conduct and ethics of the prosecutor and reports every problem to the High Council of Prosecution. Violation of the standards of ethics and rules of conduct of the prosecutor when it does not constitute grounds for disciplinary responsibility is taken into consideration within the ethical and professional assessment of the prosecutor. According to the Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, failure to file a request for waiver of proceedings or adjudication of the case, where is mandatory, by law, if the magistrate was aware or should have been aware of such circumstances is a disciplinary violation. Anyone can submit a complaint to the High Inspector of Justice against a prosecutor to investigate whether the latter has exercised the function under conditions of conflict of interest. If, after the disciplinary investigation, it is established that there has been a disciplinary violation from the magistrate, the High Inspector of Justice proposes to the High Prosecutorial Council, the approval of a disciplinary measure

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According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor and is punishable by a fine. The fines are higher, according to the evaluation of the measure of the violation and according to the level of increase in the official's position.
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(2022) in the Law "On the status of judges and prosecutors" as amended, are the provided possible cases for breaches of rules on conflict of interest in respect of prosecutors, as follows:

Article 101

Disciplinary violations

1. The Magistrate commits a disciplinary offense, wilfully or negligently, when:

a) commits acts or omissions which constitute a breach of duty, unprofessional or unethical conduct in the exercise of his or her office, which discredit the position and image of the magistrate, or impair public confidence in the judicial or prosecutorial system;

b) in the exercise of his function does not refer to the law or to facts, intentionally or because of gross negligence, or where there is manifest professional disabilities."

Article 102

Disciplinary violations related to the exercise of function

1. Disciplinary violations in the exercise of office shall be, in particular, but not limited to, the actions, omissions or behaviours of the magistrate, as follows:

a) failure to file a request for waiver of proceedings or adjudication of the case, where is mandatory, by law, if the Magistrate was aware or should have been aware of such circumstances;

b) filing a request for waiver of the proceeding or adjudication of the case, if such action:

i. is not based on the reasons provided by law;

ii. done with the intent to create unjust benefits for the parties and third parties or aims at avoiding the legal obligation to examine the case or to enable the case to be examined by another magistrate;

iii. it is not carried out immediately after becoming aware of the cause;

…….

dh) the action, inaction or conduct of the magistrate, which brings unfair benefits or damages to the parties in a judicial or investigative proceeding contrary to the law;

……..

g) serious or repeated violation of the legal and sub-legal provisions regulating the organization and functioning of the courts or the prosecution;

…….

i) to notify the Head and the Council, as well as the competent authorities, by law, of interference or other forms of influence by other Magistrates, lawyers, political functionaries, public officials or other entities;

……

p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.

2. Subject to the provisions of subparagraph (b) of paragraph 1 of Article 101 of this law, disciplinary offenses in the exercise of the function of magistrate shall be, in particular, but

Bosnia and Herzegovina

(General comment) According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

(a)A written warning which shall not be made public;

(b)Public reprimand;

(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;

(d)Temporary or permanent reassignment to another court or prosecutor's office;

(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;

(f)Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

(a)the number and severity of the disciplinary offence committed and its
consequences;

(b)the degree of responsibility;

(c)the circumstances under which the disciplinary offence was committed;

(d)the previous work and behaviour of the offender; and

(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.

(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of

(2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
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(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.
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Montenegro
(General Comment): "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

(2024): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.
The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.

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North Macedonia

(General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

(2024): Law on prevention of corruption and conflict of interest

(2023): Law on prevention of corruption and conflict of interest

(2022): Law on prevention of corruption and conflict of interest

(2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Serbia

(General comment): In Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022) articles 77-86.

Law on criminal procedure code Corresponding application of exemption provisions

Article 42

The provisions on the exemption of judges and lay judges shall accordingly apply to public prosecutors and persons authorized by law to replace the public prosecutor in the proceedings, recorders, translators, interpreters and experts, as well as to experts, unless otherwise specified by this Code. (Article 116).

The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.

The public prosecutor or the court decides on the exemption of recorders, translators, interpreters, experts and experts.

When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - decision US and 62/2021 - decision US)

EXEMPTIONS

Reasons for exemption

Article 37

A judge or lay judge shall be exempted from judicial duty in a specific case:

1) if he was damaged by a criminal act;

2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a relative by blood in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;

3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;

4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.

A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.

The judge's action when he learns of the reason for the disqualification

Article 38

As soon as a judge or judge-juror finds out that there is a reason for his dismissal (Article 37, paragraph 1), he is obliged to stop all work on that case and to inform the president of

(2014). The Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 autentic interpretation, 94/2021, 14/2022) articles 77-86.

Law on criminal procedure code Corresponding application of exemption provisions Article 42

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The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.

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When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.

Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 decision US and 62/2021 - decision US)

EXEMPTIONS

Reasons for exemption

Article 37

A judge or lay judge shall be exempted from judicial duty in a specific case:

1) if he was damaged by a criminal act;

2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in anextramarital or other permanent union of life, or a relative by blood in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;

3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter,adoptee, foster parent or foster parent;

4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated inmaking a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.

A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.

The judge's action when he learns of the reason for the disqualification

Article 38

As soon as a judge or judge-juror finds out that there is a reason for his dismissal (Article 37, paragraph 1), he is obliged to stop all work
on that case and to inform the president of the court about it, who will dismiss him by decision and order that assign the case to another judge in order.

(2019). The Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 autentic interpretation, 94/2021, 14/2022) articles 77-86.
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The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.
The public prosecutor or the court decides on the exemption of recorders, translators, interpreters, experts and experts.
When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - decision US and 62/2021 - decision US)
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3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
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(2021): In accordance with articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus, the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of law.

Kosovo*

(General comment): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest. Article 22
Administrative Procedures of the Agency in Cases of Conflict of Interest
1. The procedure shall begin at the Agency:
1.1. ex officio;
1.2. at the request of a senior official;
1.3. at the request of the official and following the approval by the employing institution;
1.4. at the request of the institution;
1.5. on basis of reporting by another person or on basis of anonymous information.
2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.
3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.
4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.
5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.
6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.
7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.
8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.
9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.
10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.
11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.
12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.

(2022) The procedure is regulated in Article 22 of the Law on prevention of conflict of interest. Article 22
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1. The procedure shall begin at the Agency:
1.1. ex officio;
1.2. at the request of a senior official;
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5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.
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12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions. They shall be published on the official website of the Agency.

Question 232

Albania

(General Comment): Please briefly describe the procedure: In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.
Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the status of judges and prosecutors, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".

(2023): No changes from previous years.

(2021): other: In the Law “On the status of judges and prosecutors” is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Bosnia and Herzegovina

(General comment) According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:
(a)A written warning which shall not be made public;
(b)Public reprimand;
(c)Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
(d)Temporary or permanent reassignment to another court or prosecutor's office;
(e)Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;
(f)Removal from office.
As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programe, counselling, or professional training.The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
(2)The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office.
(3)The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.
The Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", number: 63/23) was adopted on 6 September 2023, it entered into force on 23 September 2023, and it will apply from 23 December 2023. Considering the date of application, which is at the end of 2023, the amendments will be implemented starting from 2024. Article 57
(Disciplinary Offences of Prosecutors)

(2014). The Article 87, paragraph 2 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the list of the disciplinary offences for judges that includes (among others):
c) not disqualifying himself or herself from hearing a case when a conflict of interest exists; o) being engaged in activities that are incompatible with the judicial function;
p) exceeding any limitations related to income generated from fees for additional activities;
t) accepting a gift or reward whose purpose is to inappropriately influence the judge's decisions or actions, including cases where the gift or reward only give an impression of inappropriate influence.
Therefore the breaches of rules on conflict of interests are prescribed by the law explicitly as a disciplinary offences for the judge for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. Article 58 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina prescribes the disciplinary measures, which the HJPC may impose, to the prosecutors:
(1) The Council may impose one or more of the following disciplinary measures: (a) a written warning which shall not be made public; (b) public reprimand; (c) reduction in salary or emoluments up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) temporary or permanent reassignment to another court or prosecutor's office; (e) demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) removal from the office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function. Article 59 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina refers to the Principles for determining of the measures:
(1)Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the disciplinary commissions:
(a)the number and severity of the disciplinary offence committed and its consequences;
(b)the degree of responsibility;
(c)the circumstances under which the disciplinary offence was committed;
(d)the previous work and behaviour of the offender; and
(e)any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
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Montenegro
(General Comment): "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

(2024): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.
The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"
Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.

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North Macedonia

(General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

(2024): Law on prevention of corruption and conflict of interest

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(2022): Law on prevention of corruption and conflict of interest.

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Serbia

(General comment): In Serbian legal framework law that regulates prevention of conflict of interest is the Law on prevention of corruption ("Official Gazette RS", no. 35/2019, 88/2019, 11/2021 - autentic interpretation, 94/2021, 14/2022) articles 77-86.

Law on criminal procedure code Corresponding application of exemption provisions

Article 42

The provisions on the exemption of judges and lay judges shall accordingly apply to public prosecutors and persons authorized by law to replace the public prosecutor in the proceedings, recorders, translators, interpreters and experts, as well as to experts, unless otherwise specified by this Code. (Article 116).

The public prosecutor decides on the exemption of persons who, based on the law, are authorized to replace him in the proceedings. The immediately superior prosecutor decides on the disqualification of the public prosecutor. The State Council of Prosecutors decides on the disqualification of the Public Prosecutor of the Republic based on the received opinion of the Collegium of the Public Prosecutor's Office of the Republic.

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When authorized police officials undertake evidentiary actions based on this code, the public prosecutor decides on their exemption. If a recorder participates in undertaking these actions, the authorized police official who undertakes the action decides on his exemption.Law on criminal procedure code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - decision US and 62/2021 - decision US)

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1) if he was damaged by a criminal act;

2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a relative by blood in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;

3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;

4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this code does not prescribe otherwise.

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3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter,adoptee, foster parent or foster parent;
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Kosovo*

(General Comment): When a prosecutor is concludes or has reasons to believe that he/she has breached the rules on conflict of interest, he/she is obliged to inform his/her supervisor. He/she should immediately suspend all activities related to that particular issue. In case his/her supervisor is not convinced or is in doubt whether the prosecutor has breached the rules on conflict of interest, he/she shall refer the case to the Anti-Corruption Agency. In case when there exist reasons to believe that a prosecutor has breached this rules, the disciplinary case is initiated by the chief prosecutor of that particular prosecution service. If the prosecutor is aware that he/she has committed such breach of rules, and he/she does not inform his supervisor, a disciplinary procedure is initiated accordingly with the actual Law.

Question 233

Albania

(2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:
(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.
The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.
3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.
4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.
5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;
(d) False declaration; (e) Assessee found in situation of conflicts of interests.
For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2020; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, for 2020 the IQC (the first vetting body) has dismissed from duty 32 judges, and 12 prosecutors.

Bosnia and Herzegovina
(General Comment): .

(2019): The numbers included in the table refer to disciplinary procedures initiated against prosecutors in the reference year.

Serbia
(2023): 1 measure for reprimand

Question 234

Albania
(General Comment): According to article 194, paragraph 1, of law no: 115/2016 “On governance institutions of the justice system”, as amended, The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices.

(2023): NA

(2022): Disiplinary body (Hight Inspector of Justice)

Bosnia and Herzegovina

(General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.
The latter receives and reviews complaints concerning the conduct of judges or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.
If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

(2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC. The latter receives and reviews complaints concerning the conduct of judges, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.
If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC by filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused judge a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Montenegro

(General Comment): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges (“Official Gazette of MNE”, No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the Commission for Monitoring the Implementation of the Code of Ethics for Judges with a request for an opinion whether certain behavior of a judge is in accordance with the Code of Ethics for Judges. The motion for establishing disciplinary liability of a judge shall be filed without delay, immediately after becoming aware of the disciplinary offence.

North Macedonia

(General Comment): Law on Judicial Council (2019)
A request for initiation of a procedure for determination of liability of a judge or a president of a court Article 62
(1) The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have to be exhibited at the discussion.

(2024): Please, see the general comment.

(2023): Please, see the general comment.

(2022): Please, see the general comment.

Serbia

(General comment) According to the Law on Judges ("Official Gazette of RS", No. 10/2023), article 102 regulates that any person can file a disciplinary complaint against a judge or the president of the court, to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor based on a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.
The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and executed disciplinary measures.
THE LAW
ON THE ARRANGEMENT OF THE COURTS
("Official Gazette of RS", No. 10/2023)
This Law regulates the jurisdiction of the Ministry of Justice and the High Judicial Council in terms of supervision of the implementation of the Court Rulebook. The Ministry of Justice has limited power over the questions regulated by the Court Rulebook (Court rules of procedure) regarding supervision. If the deficiencies are not eliminated within the set deadlines, the supervising authority, in this case the Ministry of Justice, will file a disciplinary report against the president of the supervised court.
Supervision over the implementation of the Rules of Court
Article 77
The implementation of the Court Rules of Procedure is supervised by the High Council of the Judiciary and the Ministry responsible for the judiciary.
The High Council of the Judiciary supervises the application of the Rules of Procedure of the Court in connection with the tasks referred to in Article 76, paragraph 1, point. 1)-9), 14), 15) and 17) of this law, and the ministry responsible for justice in connection with the affairs from Article 76, paragraph 1, item 10) and 16) of this law.
The High Council of the Judiciary and the Ministry responsible for the judiciary jointly supervise the implementation of the Rules of Court in connection with the tasks prescribed in Article 76, paragraph 1, point. 11)-13) of this law.
In the event that supervision is carried out on the basis of a submitted complaint, the competence of the authority for conducting supervision is determined depending on the violation of the Rules of Court that the complainant indicates.
The complaint form is an integral part of the Court Rules of Procedure.

(2024): According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND COURT PRESIDENTS ("Official Gazette of RS", No. 24/2024) Disciplinary report

Article 24

Any person can file a disciplinary complaint against a judge, that is, the president of the court, to the Disciplinary Prosecutor.

The disciplinary report is submitted in writing.

A disciplinary report can also be submitted electronically, if the applicant has an electronic signature.

The disciplinary report must contain the name and surname of the judge and the name of the court in which he performs the function of judge, i.e. the name and surname of the president of the court and the name of the court in which he performs the function of president of the court, a brief description of the actions of the judge, i.e. the president of the court, the name and surname of the applicant, his address and signature.

If the disciplinary report is incomprehensible or does not contain all the information to be able to act on it (paragraph 3), the Disciplinary Prosecutor will return the report to the applicant, set a deadline of eight days for the correction or amendment of the disciplinary report and warn of the consequences of failure.

The disciplinary prosecutor will reject the disciplinary report if the applicant does not make corrections, i.e. additions, or if he does not make them within the time limit referred to in paragraph 5 of this article.

Initiation of disciplinary proceedings

Article 31

Disciplinary proceedings are initiated when the Disciplinary Prosecutor submits a proposal for conducting disciplinary proceedings to the Disciplinary Commission.

The proposal for conducting disciplinary proceedings contains:

1) personal data of the judge (name and surname, date of birth and address) and the court in which he performs the function of judge, that is, personal data of the president of the court (name and surname, date of birth and address) and the court in which he performs the function of the president of the court;

2) factual description and legal qualification of the disciplinary offense;

3) a proposal on the evidence to be presented at the disciplinary hearing and a proposal for a disciplinary measure.

It is not allowed to submit a new proposal for conducting disciplinary proceedings based on the same facts.

(2023). According to the Law on Judges ("Official Gazette of RS", No. 10/2023, article 102 regulates that any person can file a disciplinary complaint against a judge or the president of the court, to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor based on a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.
The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and executed disciplinary measures.
THE LAW
ON THE ARRANGEMENT OF THE COURTS
("Official Gazette of RS", No. 10/2023)
This Law regulates the jurisdiction of the Ministry of Justice and the High Judicial Council in terms of supervision of the implementation of the Court Rulebook. The Ministry of Justice has limited power over the questions regulated by the Court Rulebook (Court rules of procedure) regarding supervision. If the deficiencies are not eliminated within the set deadlines, the supervising authority, in this case the Ministry of Justice, will file a disciplinary report against the president of the supervised court.
Supervision over the implementation of the Rules of Court
Article 77
The implementation of the Court Rules of Procedure is supervised by the High Council of the Judiciary and the Ministry responsible for the judiciary.
The High Council of the Judiciary supervises the application of the Rules of Procedure of the Court in connection with the tasks referred to in Article 76, paragraph 1, point. 1)-9), 14), 15) and 17) of this law, and the ministry responsible for justice in connection with the affairs from Article 76, paragraph 1, item 10) and 16) of this law.
The High Council of the Judiciary and the Ministry responsible for the judiciary jointly supervise the implementation of the Rules of Court in connection with the tasks prescribed in Article 76, paragraph 1, point. 11)-13) of this law.
In the event that supervision is carried out on the basis of a submitted complaint, the competence of the authority for conducting supervision is determined depending on the violation of the Rules of Court that the complainant indicates.
The complaint form is an integral part of the Court Rules of Procedure.

(2022): Anyone may file a complaint based on which disciplinary proceedings are formaly initiated bu the HJC disciplinary prosecutor

(2021): Anyone may file a complaint based on which disciplinary proceedings are formaly initiated bu the HJC disciplinary prosecutor

Kosovo*

(General Comment): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.

Question 235

Albania

(General Comment): According to article 61, paragraph 2, letter “b”, of law no. 115/2016 ““On governance institutions of the justice system”, as amended, The High Judicial Council shall assume the following competences in the plenary meeting: b) decides on the disciplinary measures on judges of all levels.

(2024): According to article 194, paragraph 1, of law no: 115/2016 “On governance institutions of the justice system”, as amended, The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices

(2023): NA

Bosnia and Herzegovina

(General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial
may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial
Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detainment, until pre-trial detainment ends.

(2024): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove a judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from the court. Temporary removal from the court can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detainment, until pre-trial detainment ends.

(2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).
The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a judge can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detainment, until pre-trial detainment ends.

Montenegro

(General Comment): The investigation on the submitted motion for establishing disciplinary liability shall be conducted by the Disciplinary Prosecutor and Disciplinary Committee appointed by the Judicial Council for time limit of two years. President of the Disciplinary Committee shall be appointed from among the members of the Judicial Council who are not judges, and two members from among the judges who are not members of the Judicial Council with at least 15 years of work experience. The Judicial Council issued a brochure for applicants complaints against judges and court president in 2017.

(2022): Disciplinary Council. Established by the Judicial Council.

North Macedonia

(General comment) Law on courts

Dismissal of a judge

Article 74

(1) The judge shall be dismissed from the judicial office: - due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law and - due to unprofessional and neglectful exercise of the judicial office under the conditions defined by law.

(2) Decision on dismissal of the judge shall be adopted by the Judicial Council of the Republic of Macedonia.

(3) The judge shall be dismissed from the judicial office in accordance with the grounds stipulated in paragraph (1) of this Article if the violation is committed:

- with the intention or apparent negligence by the fault of the judge without justified reasons and
- the injury caused severe consequences.

(4) In case of an easier form of violation of the grounds referred to in paragraph (1) of this Article, a disciplinary measure may be imposed on the judge.

(5) As of the day of entry into force of the decision on dismissal of the judge by the Judicial Council of the Republic of Macedonia on the grounds referred to in paragraph (1) of this Article, the judge's right to salary shall cease.

Serious disciplinary offence

Article 75

(1) A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:

1) severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
2) gross influence and interference in the performance of the judicial function of another judge;
3) if he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or
4) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.

(2) For the disciplinary violation referred to in paragraph (1) of this Article, the president of the court shall notify the Judicial Council of the Republic of Macedonia in writing within a period of eight days from the day of recognizing the committed violation, but not longer than three months from the committed violation.

(3) In cases of disciplinary violation of paragraph (1) line 1 of this Article, when there was a final judicial decision, the court that had adopted the decision has to immediately after obtaining decision's effectiveness, to inform the Judicial Council of the Republic of Macedonia and the president of the court where the judge is performing the judicial function about it.

(4) The procedure for establishing responsibility of judges in the case of paragraph 1 point 1 of this Article, may be initiated even when there is no previously adopted effective judicial decision.

Unprofessional and unethical performance of the judicial function

(2024): Please, see the general comment.

(2023): Please, see the general comment.

(2022): Please, see the general comment.

Serbia

(General Comment): According to the Law on Judges ("Official Gazette of RS", No. 10/2023) High Judicial Council is an authority in charge of disciplinary proceedings.
Judges Rule book on the procedure for determining the disciplinary responsibility of the court and the president of the courts ("Official Gazette of RS", number 24 of March 22, 2024) regulates forming, way of working, and decision-making of disciplinary bodies, the procedure for determining the disciplinary responsibility of judges and court presidents for disciplinary offenses prescribed by the Law on Judges, the imposition and execution of disciplinary measures.

(2024): According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND PRESIDENTS OF COURTS ("Official Gazette of RS", No. 24/2024) Submitting a request to the Ethics Committee
Article 30
If he does not reject the disciplinary report, the Disciplinary Prosecutor, before submitting a proposal for conducting disciplinary proceedings due to a disciplinary offense from Article 97, paragraph 1, point 20 of the Law on Judges ("Official Gazette of the RS", number 10/23), submits a request to the Ethics Committee to establish a significant violation of the provisions of the Code of Ethics.
In the request for establishing a significant violation of the provisions of the Code of Ethics, the Disciplinary Prosecutor states a factual description of the behavior of the judge, that is, the president of the court and the circumstances in which it was manifested, without specifying the personal data of the judge, that is, the president of the court.
The Ethics Committee is obliged to decide on a significant violation of the provisions of the Code of Ethics within 90 days from the date of receipt of the Disciplinary Prosecutor's request and to submit an opinion on the submitted request to the Disciplinary Prosecutor.
Decision of the Disciplinary Commission
Article 40
The Disciplinary Commission makes a decision in the form of a resolution.
Disciplinary commission by decision:
- rejects the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings;
- approves the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings, declares the judge, that is, the president of the court responsible for a disciplinary offense and imposes the appropriate disciplinary measure on him.
The Disciplinary Commission will suspend the procedure by decision if:
- Disciplinary prosecutor in the course of the procedure abandons the proposal for conducting the disciplinary procedure;
- the judge, that is, the president of the court against whom the proceedings are being conducted, ceases to be a judge;
- the disciplinary procedure became obsolete;
- the properly summoned Disciplinary Prosecutor does not attend the hearing without a valid reason (Article 34, paragraph 2).

(2023): The Law on Judges (Official Gazette of RS, No. 20, 2023),Disciplinary action

Article 101

Any person can file a disciplinary complaint against a judge, that is, the president of the court, to the Disciplinary Prosecutor.

The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.

Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.

During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.

Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.

The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.

Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and executed disciplinary measures.

Decisions of the disciplinary prosecutor

Article 102

The disciplinary prosecutor can reject the disciplinary report or accept it and submit a proposal for conducting disciplinary proceedings.

The position of the judge in the disciplinary procedure

Article 103

The judge has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through a proxy.

The judge has the right to present his allegations orally before the Disciplinary Commission.

Decisions of the Disciplinary Commission

Article 104

After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.

The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.

Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted, may appeal to the High Council of the Judiciary, within eight days from the date of delivery of the decision.

(2022): Disciplinary commission of the HJC and the Disciplinary Prosecutor of the HJC

Kosovo*

(General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, at the investigation stage the Kosovo Judicial Council establishes a panel of three judges ther the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3). o gather evidence, analyze the facts and prepare a report. The Council, sole, decides whet

(2024): The party/judge, under the conditions set out in Article 15 of Law No. 06/L-057 on the Disciplinary Responsibility of Judges and Prosecutors, has the right to appeal the disciplinary decision of the Kosovo Judicial Council to the Supreme Court of Kosovo, whose decision is final.

Question 236

Albania

(General Comment): NA

Bosnia and Herzegovina

(General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

(2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

Serbia

(General Comment): the Law on Judges ("Official Gazette of RS", No. 10/2023) The position of the judge in the disciplinary procedure
Article 103
The judge has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through a proxy.
The judge has the right to present his allegations orally before the Disciplinary Commission.
The right to comment on the proposal for conducting disciplinary proceedings is also regulated by the Rulebook on the procedure for determining the disciplinary responsibility of judges and presidents of courts("Official Gazette of RS", number 24 of March 22, 2024) Article 32.
The judge, that is, the president of the court, has the right to have the Disciplinary Commission immediately submit to him a proposal for conducting disciplinary proceedings with attached evidence.
Along with the proposal for conducting disciplinary proceedings, the disciplinary commission informs the judge, i.e. the president of the court, that he has the right to hire an attorney, to declare himself or through an attorney about the proposal and the attached evidence, as well as to provide an explanation and propose evidence for his allegations, within eight days from the receipt of the notification.
Invitation to a disciplinary hearing
Article 33.
Upon receiving the statement of the judge, that is, the president of the court or after the deadline for the statement has expired, the president of the Disciplinary Commission schedules a disciplinary hearing.
Along with the summons for the disciplinary hearing, the disciplinary prosecutor is also sent the statement of the judge, that is, the president of the court with all the attached evidence.
At least eight days must elapse from the day the summons is delivered to the parties to the day the disciplinary hearing is held.

(2024): According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND COURT PRESIDENTS ("Official Gazette of the RS", No. 24/2024) The right to a statement on the proposal for conducting disciplinary proceedings

Article 32

The judge, that is, the president of the court, has the right to have the Disciplinary Commission immediately submit to him a proposal for conducting disciplinary proceedings with attached evidence.

Along with the proposal for conducting disciplinary proceedings, the disciplinary commission informs the judge, i.e. the president of the court, that it has the right to hire an attorney, to declare itself or through an attorney about the proposal and the attached evidence, as well as to provide an explanation and propose evidence for its allegations, within eight days of receiving the notification.

Rights of the judge, that is, the president of the court at the disciplinary hearing

Article 37

The president of the Disciplinary Commission will warn the judge, i.e. the president of the court against whom disciplinary proceedings are being conducted, that he has the right not to say anything, to withhold an answer to a particular question, to verbally state his allegations, admit or not admit responsibility for a disciplinary offense, to make a statement himself or through a proxy, and in particular about the right to present facts and propose evidence in support of his allegations, ask questions of other participants in the proceedings, make objections and give explanations in connection with the presented evidence.

(2022): The Law on Judges ("Official Gazette of RS", No. 10, 2022)
Disciplinary action
Article 101
Any person can file a disciplinary complaint against a judge, that is, the president of the court, to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the judge whose disciplinary responsibility is being determined committed another disciplinary offense.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the judge against whom the disciplinary proceedings are conducted requires that the proceedings be public.
The disciplinary procedure is regulated in more detail by an act of the High Council of the Judiciary.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and executed disciplinary measures.
Decisions of the disciplinary prosecutor
Article 102
The disciplinary prosecutor can reject the disciplinary report or accept it and submit a proposal for conducting disciplinary proceedings.
The position of the judge in the disciplinary procedure
Article 103
The judge has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through a proxy.
The judge has the right to present his allegations orally before the Disciplinary Commission.
Decisions of the Disciplinary Commission
Article 104
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted, may appeal to the

(2022): Article 23 and 32 of the Rulebook on the procedure for determining the disciplinary responsibility of judges and presidents of courts

Question 237

Albania

(2024): Disciplinary violations related to the exercise of the function

(2023): NA

Bosnia and Herzegovina

(General Comment): In the reference year 24 disciplinary proceedings were initiated against 23 judges. Two disciplinary proceedings were initiated against one judge.

(2024): Total number disciplinary proceedings initiated during the reference year was 29 against 31 judges. One disciplinary case was initiated against three judges.

(2023): In the reference year 24 disciplinary proceedings were initiated against 23 judges. Two disciplinary proceedings were initiated against one judge.

(2022): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2021): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2019): Some proceedings against judges were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating disciplinary proceedings, in our best estimate.
For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:
1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.
It should be noted that number of initiated proceedings is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), because of the high number of grounded complaints as well as an increase in number of the Office of Disciplinary Counsel staff.

Montenegro

(2023): Article 108 paragraph 2 item 13 of the Law on Judicial Council and judges: publicly expresses an opinion on a case that has not become final

(2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.
In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.
In the remaining two cases, the procedure is ongoing.

(2021): Does not submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest.

North Macedonia

(General comment): Unprofessional and untimely performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:
1) If in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
2) If he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
3) Is publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
4) Without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
5) Does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
6) Takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
7) Intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the Commission is elected by lot from among the members of the Commission. If a submitter of the request is a member of the Council, he/she cannot be a member of this Commission.
The Commission will reject the request for determining responsibility of the judge or president of the court if the request:
- is not timely,
- is not complete, or
- clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy.
In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven days from the day of the notification of stopping or continuation of the procedure.
If the Council decides to continue the procedure, the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from the day of receipt of the request.

(2024): In total, 214 requests for accountability were submitted against judges, of which 135 were preliminary dismissed by the Reporting Commission. With this, the Judicial Council acted on 79 requests for accountability of judges.

Serbia

(General Comment): Breach of professional ethics (including breach of integrity) 3
Professional inadequacy 11

(2022): Disciplinary offenses in accordance with Article 90 of the Law on Judges: Paragraph 1 –a violation of the principle of independence.

Kosovo*

(General Comment): According to article 4 of the Law on disciplinary liability of judges and prosecutors, judges and prosecutors shall be subject to disciplinary liability for disciplinary offences, in accordance with procedures set forth in this law. Article 5 enumerates the disciplinary offences in respect of judges.

(2024): Other violations as defined by Law No. 06/L-057 on the Disciplinary Responsibility of Judges and Prosecutors.
10 cases, 4 of which are still in procedure in 2025. The five cases reported in the breach of the professional ethics are violations as stipulated by the Code of Ethics.

(2022): Article 5 of the Law on disciplinary liability of judges and prosecutors.

Question 238

Albania

(2024): By number of cases completed, we mean the total number of disciplinary proceedings requests brought before the High Judicial Council for a disciplinary hearing.

(2023): NA

Montenegro

(2024): in 2024. 3 cases were found unfounded and 1 was rejected. 3 cases are still ongoing

North Macedonia

(2024): In 2024, 98 requests for initiation of disciplinary proceedings were filed against 214 judges. In the same year, 192 of the proceedings against 214 judges were completed, and we do not have data on how many requests were completed, and therefore the number does not correspond to the total.

(2022): The total number of completed cases in 2022 includes cases that were initiated in 2020, 2021 and 2022.

Serbia

(General Comment): Total number 11
Breach of professional ethics (including breach of integrity) 2
Professional inadequacy 9

Kosovo*

(2024): There are 3 cases found responsible for disciplinary violations, as follows:
1 case – Article 5, paragraph 1, in connection with Article 2.15 of Law No. 06/L-057;
2 cases – Article 5, paragraph 2, subparagraph 2.7 of Law No. 06/L-057.
Meanwhile, 3 cases were not found responsible for disciplinary violations, as follows:
1 case – Article 5, paragraph 2, subparagraphs 2.6 and 2.8 of Law No. 06/L-057, and Article 4, points 4.1 and 4.2 of the Code of Professional Ethics for Judges;
2 cases – Article 5, paragraph 2, point 2.7 of Law No. 06/L-057.

Question 239

Albania

(General Comment): According to article 138, paragraph 1, of Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended, if there is reasonable doubt that the magistrate has committed a disciplinary misconduct, the High Justice Inspector shall initiate the disciplinary proceeding by submitting the investigation report together with the investigation file. As per article 146, paragraph 2 of law no. no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended. After having considered all facts and evidence the Council shall either: a) Reject the request for disciplinary proceeding, on the grounds that the facts alleged did not occur or that they do not constitute a disciplinary misconduct; b) Uphold the allegations and impose one or more disciplinary measures

(2023): NA

Bosnia and Herzegovina

(2024): Difference between completed disciplinary proceedings (i.e.20) and the total number of sanctions (i.e.16) was registered due to the fact that two disciplinary cases were rejected, and two disciplinary cases were suspended.

(2023): Difference between completed disciplinary proceedings (28) and the total number of sanctions (23) is because four disciplinary proceedings were rejected and one disciplinary proceedings was suspended (one judge was retired).

(2022): A significant difference between the number of disciplinary proceedings initiated (35) and the total number of sanctions imposed (23) was caused by the following circumstances: the disciplinary action was rejected in (3) cases and disciplinary proceedings were suspended in (9) cases (4 judges retired, 3 judges resigned, 1 judge died, and 1 judge's term expired).

(2019): As “other” measure, there is a written warning which shall not be made public imposed against 6 judges. This is a non-public measure.
Number of imposed sanctions (25) is lesser then the number of initiated proceedings (35). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the High Judicial and Prosecutorial Council of Bosnia and Herzegovina as third instance. Therefore, some of the proceedings initiated in 2019 were not completed in 2019.
Although there were no suspensions imposed in 2019 as a disciplinary sanction, it should be noted that one judge was temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. Also, 3 judges remain suspended as a result of criminal proceedings initiated before 2019.

Montenegro

(2023): In two proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide complete data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.

(2022): info as in section 237: 35 rejected, 2 are still ongoing

Serbia

(General Comment): Reprimand 3
Temporary reduction of salary 4

(2022): Other: ban on promotion for a period of three years

(2021): Other: ban on promotion for a period of 3 years

Kosovo*

(2024): 1 – Non-public written notice
2 – Public written notice

Question 240

North Macedonia

Right to appeal
Article 72
(1) The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia (hereinafter: the Appeals Council) against the decision of the Council, is only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.
(2) The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of Northern Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.
(3) The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.
(4) In the cases referred to in paragraph (3) of this Article, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.
(5) If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.
(6) An appeal or a lawsuit shall not be allowed against the decision referred to in paragraph (5).
(7) The President of the Supreme Court of the Republic of North Macedonia and a judge or a president of a court, a participant in the procedure before the Council, may not be members of the Appeals Chamber referred to in paragraph (2) of this Article.
Re-opening of the procedure on a final judgment of the European Court of Human Rights in Strasbourg
Article 73
(1) When the European Court of Human Rights finds a violation of a human right or fundamental freedoms envisaged under the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, which the Republic of North Macedonia has ratified, in accordance with the Constitution of the Republic of North Macedonia, in a proceedings before the Council and the Supreme Court of the Republic of North Macedonia, the judge or the president of the court whose right has been violated in the proceedings may, within a period of 30 days but within three years at the latest from the date the judgment of the European Court becomes final, apply to the Council for reopening of the proceedings. (2) The Council shall inform the Inter-Ministerial Commission for execution of the decisions of the European Court of Human Rights of the application filed, in accordance with the Law on Execution of the Decisions of the European Court of Human Rights. (3) The Council is obliged in the reopened procedure to comply with the legal positions stated in the final judgment of the European Court of Human Rights finding the violation of the human rights and fundamental freedoms. (4) The Council may, in accordance with Article 25 of the Law on Execution of the Decisions of the European Court of Human Rights, reopen the proceedings to eliminate the violation and the consequences arising from the violation. (5) The Council shall, from its composition, set up within 15 days a Commission of a chairman and three members to act on the filed application for reopening of the proceedings in which the members of the Council who are members of the Inter-Ministerial Commission for Execution of the Decisions of the

Serbia

(General Comment): Article 36.of the Rulebook for determining the disciplinary responsibility of judges and presidents of courts

Against the decision of the Disciplinary Commission, the Disciplinary prosecutor, the judge and his representative/ the president of the court and his representative, may file an appeal with the Council within eight days from the date of delivery of the decision.

The decision can be contested:

1) due to violations of procedural rules that could have an impact on the adoption of a legal and proper decision,
2) due to wrongly or incompletely established factual situation,
3) due to incorrect application of substantive law,
4) due to the decision on the imposed disciplinary sanction.

The complaint contains:

1) designation of the decision against which the appeal is filed,
2) a statement that the decision is disputed in its entirety or in a certain part,
3) reasons for appeal,
4) signature of the person making the complaint.

In the appeal, new facts can be presented and new evidence can be proposed only if the appellant makes it probable that he could not present them, that is, propose them during the first instance disciplinary procedure, through no fault of his own.

The complaint with attachments is submitted to the other party in the proceedings, who can submit an answer to the complaint within three days from the date of submission of the complaint. An untimely response to the appeal will not be taken into consideration.

The Disciplinary Commission immediately upon receipt of the response to the appeal or the expiration of the deadline for providing the response to the appeal submits the case files to the Council.

24/2024) Decision of the Disciplinary Commission
Article 40
The Disciplinary Commission makes a decision in the form of a resolution.
Disciplinary commission by decision:
- rejects the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings;
- approves the Disciplinary Prosecutor's proposal for conducting disciplinary proceedings, declares the judge, i.e. the president of the court responsible for a disciplinary offense and imposes an appropriate disciplinary measure on him.
The Disciplinary Commission will suspend the procedure by decision if:
- Disciplinary prosecutor in the course of the procedure abandons the proposal for conducting the disciplinary procedure;
- the judge, that is, the president of the court against whom the proceedings are being conducted, ceases to be a judge;
- the disciplinary procedure became obsolete;
- the properly summoned Disciplinary Prosecutor does not attend the hearing without a valid reason (Article 34, paragraph 2).
Content of the decision of the Disciplinary Commission
Article 41
The decision of the Disciplinary Commission from Article 40 of this rulebook contains:
1) name and surname of the president and members of the Disciplinary Commission and recorder;
2) names of parties to the proceedings and attorneys;
3) date and place of decision making;
4) the decision to reject the proposal for conducting disciplinary proceedings, i.e. the decision declaring the judge, i.e. the president of the court responsible for the disciplinary offense committed, the factual description and legal qualification of the disciplinary offense and the disciplinary measure imposed on him or the decision suspending the proceedings;
5) explanation;
6) decision on the costs of the procedure;
7) signature of the president of the Disciplinary Commission;
8) instruction on legal remedy.
Within eight days from the date of publication of the decision, the Disciplinary Commission prepares a written copy of the decision and delivers it to the Disciplinary Prosecutor, the judge and his attorney, that is, the president of the court and his attorney.Appeal against the decision of the Disciplinary Commission

Question 241

Albania
(General Comment): NA

(2024): The Appeal Chamber is the competent body to adjudicate appeals against decisions of the High Judicial Council, or High Inspector of Justice imposing disciplinary sanctions against judges. The Constitutional Court is the competent body to adjudicate appeals against the decision of dismissal, as a disciplinary decision.

(2023): NA

Bosnia and Herzegovina

(General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

(2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina. There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

North Macedonia

(General Comment): The Appeal Council in the Supreme Court of the Republic of North Macedonia is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.
The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.
In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.
If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.
An appeal or a lawsuit shall not be allowed against the decision of the Appeals Chamber.

(2022): Please, see the general comment.

Serbia

(General Comment): The Law on Judges ("Official Gazette of RS", No. 10/2023)

Decisions of the Disciplinary Commission

Article 104

After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.

The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.

Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted, may appeal to the High Council of the Judiciary, within eight days from the date of delivery of the decision.

(2024) According to the RULES ON THE PROCEDURE FOR DETERMINING THE DISCIPLINARY RESPONSIBILITY OF JUDGES AND COURT PRESIDENTS ("Official Gazette of RS", No. 24/2024) Article 42

Against the decision of the Disciplinary Commission, the Disciplinary prosecutor, the judge and his attorney, that is, the president of the court and his attorney, may file an appeal with the Council within eight days from the date of delivery of the decision.

A complaint can be filed:

1) due to violations of procedural rules that could have an impact on the adoption of a legal and proper solution;
2) due to wrongly or incompletely established factual situation;
3) due to incorrect application of substantive law;
4) due to the decision on the pronounced disciplinary measure.

Content of the complaint

Article 43

The complaint must contain:

1) designation of the decision against which the appeal is filed;
2) a statement that the decision is disputed in its entirety or in a certain part;
3) the reason for the appeal;
4) signature of the person making the complaint.

In the appeal, new facts and new evidence may be presented only if the appellant makes it probable that he could not present them, or propose them during the first instance disciplinary proceedings, through no fault of his own.

Response to the appeal

Article 44

The complaint with attachments is submitted to the opposing party, who can submit an answer to the complaint within three days of receiving the complaint. An untimely response to the appeal will not be taken into consideration.

The Disciplinary Commission shall deliver the case file to the Council immediately upon receipt of the response to the appeal or the expiration of the deadline for providing the response to the appeal.

Second degree disciplinary proceedings before the Council

Article 45

The council decides on the appeal, as a rule, without discussion. The President of the Council appoints a reporter from among the elected members of the Council. The reporter gives a brief description of the procedure and facts without stating the merits of the appeal, after which the Council makes a decision. The Council can invite the judge, or the

(2023): The Law on Judges ("Official Gazette of RS", No. 10/2023)
Decisions of the Disciplinary Commission
Article 104
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the judge against whom the disciplinary proceedings are being conducted may appeal to the High Council of the Judiciary, within eight days from the date of delivery of the decision.

(2022): Article 36 of the Rulebook on determining the disciplinary responsibility of judges and presidents of courts

Kosovo*
(General Comment): According to article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.
Other courts in Kosovo shall not have the competence to review and decide on the disciplinary procedure against judges and prosecutors.

Question 242

Albania
(General Comment): NA

(2024): - Transfer without Consent. – Aricle 44 of the law No 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”;
1. Magistrates shall be transferred without their consent only in the following cases: a) implementing a disciplinary measure; b) where a magistrate’s position is abolished as the result of changes in the administrative structure and territorial powers of the courts or prosecution offices, following an assessment based on objective and transparent criteria; c) as a consequence of establishing a family relationship amounting to an environmental incompatibility in the sense of Article 8, of this Law; ç) in case of temporary shortage of magistrates in a court or prosecution office which cannot be covered by the magistrates in the mobility scheme in accordance with the provisions contained in the Article 46 of this Law.
2. Where a magistrate’s position is abolished in accordance with letter ‘b’ of paragraph 1 of this Article, he or she shall: a) be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office where the magistrate has previously exercised the function, or where this is not possible, b) have the right to choose to be transferred to any position at the same level, that is vacant or expected to become vacant within up to six months upon the abolition of the position, in a court or prosecution office of the same level, of the same material competence. 3. In case of a temporary shortage of magistrates under letter ‘ç’ of paragraph 1 of this Article, the Council shall assign a magistrate from the mobility scheme or transfer a magistrate temporarily in accordance with Article 46 of this Law. 4. A magistrate shall have the right to appeal against a decision on a transfer without consent before the court. The examination of the appeal by the court shall not suspend the transfer decision .
- due to the creation of family relationships that lead to environmental incompatibility, according to Article 8 of this law;
- due to the temporary absence of magistrates in the courts and the prosecutor's office, which cannot be filled by the magistrates who are in the delegation scheme, according to the provisions made in Article 46 of this law.

(2023): NA

Bosnia and Herzegovina

(2019): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), HJPC may impose as a disciplinary measure a temporary or permanent reassignment to another court. According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a judge may be assigned to perform judicial services in another court without his or her consent for a period of up to 3 months, in the event that such assignment is in order to participate in one particular case at the receiving court, or in the event that no other judge has consented to such an assignment. A judge may not be temporarily assigned to another court without his or her consent if he or she has been the subject of a temporary assignment in the preceding 12 months.

North Macedonia

(General Comment): The law on the Courts
Article 39
(1) The judge shall exercise the judicial function in the court where he/she is elected.
(2) As a rule, the judge shall be elected to try in specific areas.
(3) The judge cannot be transferred from one to another court against his/her will.
(4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.
(5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.
(6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.
(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council by a written, explained decision and it shall immediately notify the president of the court from which the judge is transferred and the president of the court to which the judge is temporary transferred.
(11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within a period of three days to the general session of the Supreme Court, which is obliged to decide upon the complaint within a period of seven days.
(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council , which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council shall be final

(2022): Please, see the general comment.

(2021): Exceptions and safeguards - article 39 Law on courts
(3) The judge cannot be transferred from one to another court against his/her will.
(6) The judge cannot be transferred from one to another court division against his/her will.
(7) The judge may require transfer from one to another division.
(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of North Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case od temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council of the Republic of Macedonia by a written, explained decision and it shall immediately notify the president of the court from which the judge is transferred and the president of the court to which the judge is temporary transferred.
(11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within a period of three days to the general session of the Supreme Court of the Republic of North Macedonia, which is obliged to decide upon the complaint within a period of seven days.
(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council of the Republic of North Macedonia, which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council of the Republic of North Macedonia shall be final.

Serbia

(General comment), the Law on Judges ("Official Gazette of RS", Nos. 10, 2023)
2. Immovability of the judge
A term
Article 18
A judge has the right to perform judicial function permanently in the court for which he was elected, except in the case prescribed by the Constitution and this law.
Only with his consent can a judge be permanently transferred or temporarily referred from one court to another, or referred to the High Council of the Judiciary, the ministry responsible for justice, the Judicial Academy or an international organization in the field of justice.
Consent is given in written form and must precede the adoption of a decision on permanent transfer, temporary assignment or assignment.
Permanent relocation
Article 19
A judge may, with his written consent, be permanently transferred to another court of the same type and of the same or lower degree, if there is a need to urgently fill a vacant judge position, which cannot be solved by the election or temporary assignment of a judge, with the consent of the president of both courts.
As an exception to paragraph 1 of this article, a judge may be permanently transferred to another court without his written consent in the event of the abolition of the court or the abolition of the majority of the jurisdiction of the court for which he was elected.
The majority of the court's jurisdiction is revoked if the necessary number of judges in the court is reduced due to a change in the substantive jurisdiction of the court, the establishment of a new court or a change in the area in which the court exercises jurisdiction.
In the case referred to in paragraph 2 of this article, a judge may be permanently transferred only to a court of the same level that takes over the jurisdiction of a court that has been abolished or to which the majority of its jurisdiction has been abolished.
If the jurisdiction of the abolished court was taken over by two or more courts, i.e. the predominant jurisdiction of the court was taken over by one or more courts, when making a decision on the permanent transfer of a judge, the High Council of the Judiciary takes into account the residence of the judge, the length of the judge's service and the type of work that the judge performed.
The judge permanently continues to perform the function of judge in the court to which he was transferred.
The decision on permanent transfer is made by the High Council of the Judiciary.
Against the decision on permanent transfer, the judge can file an appeal with the Constitutional Court, which excludes the right to submit a constitutional appeal, within 30 days from the date of receipt of the decision.
Temporary referral to another court
Article 20
A judge is temporarily referred to another court where the lack, impediment, exclusion of judges or other reasons make the work of the court difficult.

(2014). The Law on Judges ("Official Gazette of RS", No. 25, 2015)

2. Immovability of the judge

A term

Article 18

A judge has the right to perform judicial function permanently in the court for which he was elected, except in the case prescribed by the Constitution and this law.

Only with his consent can a judge be permanently transferred or temporarily referred from one court to another, or referred to the High Council of the Judiciary, the ministry responsible for justice, the Judicial Academy or an international organization in the field of justice.

Consent is given in written form and must precede the adoption of a decision on permanent transfer, temporary assignment or assignment.

Permanent relocation

Article 19

A judge may, with his written consent, be permanently transferred to another court of the same type and of the same or lower degree, if there is a need to urgently fill a vacant judge position, which cannot be solved by the election or temporary assignment of a judge, with the consent of the president of both courts.

As an exception to paragraph 1 of this article, a judge may be permanently transferred to another court without his written consent in the event of the abolition of the court or the abolition of the majority of the jurisdiction of the court for which he was elected.

The majority of the court's jurisdiction is revoked if the necessary number of judges in the court is reduced due to a change in the substantive jurisdiction of the court, the establishment of a new court or a change in the area in which the court exercises jurisdiction. In the case referred to in paragraph 2 of this article, a judge may be permanently transferred only to a court of the same level that takes over the jurisdiction of a court that has been abolished or to which the majority of its jurisdiction has been abolished.

If the jurisdiction of the abolished court was taken over by two or more courts, i.e. the predominant jurisdiction of the court was taken over by one or more courts, when making a decision on the permanent transfer of a judge, the High Council of the Judiciary takes into account the residence of the judge, the length of the judge's service and the type of work that the judge performed.

The judge permanently continues to perform the function of judge in the court to which he was transferred.

The decision on permanent transfer is made by the High Council of the Judiciary.

Against the decision on permanent transfer, the judge can file an appeal with the Constitutional Court, which excludes the right to submit a constitutional appeal, within 30 days from the date of receipt of the decision. Temporary referral to another court

Article 20

A judge is temporarily referred to another court where the lack, impediment, exclusion of judges or other reasons make the work of the court difficult.

A judge may be temporarily assigned only to another court of the same type and of the same or immediately lower level, for a maximum of one year, without the possibility of temporary assignment to the same court again.

(2023). The Law on Judges ("Official Gazette of RS", No. 10, 2023)

2. Immovability of the judge

A term

Article 18

A judge has the right to perform judicial function permanently in the court for which he was elected, except in the case prescribed by the Constitution and this law.

Only with his consent can a judge be permanently transferred or temporarily referred from one court to another, or referred to the High Council of the Judiciary, the ministry responsible for justice, the Judicial Academy or an international organization in the field of justice.

Consent is given in written form and must precede the adoption of a decision on permanent transfer, temporary assignment or assignment.

Permanent relocation

Article 19

A judge may, with his written consent, be permanently transferred to another court of the same type and of the same or lower degree, if there is a need to urgently fill a vacant judge position, which cannot be solved by the election or temporary assignment of a judge, with the consent of the president of both courts.

As an exception to paragraph 1 of this article, a judge may be permanently transferred to another court without his written consent in the event of the abolition of the court or the abolition of the majority of the jurisdiction of the court for which he was elected.

The majority of the court's jurisdiction is revoked if the necessary number of judges in the court is reduced due to a change in the substantive jurisdiction of the court, the establishment of a new court or a change in the area in which the court exercises jurisdiction.

In the case referred to in paragraph 2 of this article, a judge may be permanently transferred only to a court of the same level that takes over the jurisdiction of a court that has been abolished or to which the majority of its jurisdiction has been abolished.

If the jurisdiction of the abolished court was taken over by two or more courts, i.e. the predominant jurisdiction of the court was taken over by one or more courts, when making a decision on the permanent transfer of a judge, the High Council of the Judiciary takes into account the residence of the judge, the length of the judge's service and the type of work that the judge performed.

The judge permanently continues to perform the function of judge in the court to which he was transferred.

The decision on permanent transfer is made by the High Council of the Judiciary.

Against the decision on permanent transfer, the judge can file an appeal with the Constitutional Court, which excludes the right to submit a constitutional appeal, within 30 days from the date of receipt of the decision.

Temporary referral to another court

Article 20

A judge is temporarily referred to another court where the lack, impediment, exclusion of judges or other reasons make the work of the court difficult.

(2021): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred with his/her consent to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. The High Judicial Council, in 2021 passed 10 decisions on the transfer of judges, as follows: 5 decisions on the transfer of basic court judges, 1 decision on the transfer of judge of higher court, 3 decisions on the transfer of misdemeanor court judged, and 1 decision on the transfer of commertial court judge. Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type and same or directly lower instance for a period no longer than one year. Exceptionally, a judge may be assigned to an immediately superior court if meeting the statutory requirements for election as a judge of the court to which he/she is assigned. A judge is assigned to court in which the lack, absence, or recusal of judges or other reasons impede or slow down the work of the court. The High Judicial Council in 2021 passed 13 decisions on the assignment of a judge to another court, 4 decisions on the assignment of a judges to the appellate courts, 3 decisions on the assignment of a judges to basic courts, and 6 decisions on the assignment of misdemeanor court judges to work in the Panel.

Kosovo*

(General Comment): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.

Question 243

Albania

(General Comment): NA

(2024): High Inspector of Justice according to article 194, paragraph 1, of law no: 115/2016 “On governance institutions of the justice system”, as amended, The High Justice Inspector is the state authority responsible for the verification of complaints, investigation of disciplinary misconducts and initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecution offices

(2023): NA

(2022): Disiplinary body (Hight Inspector of Justice)

(2021): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Bosnia and Herzegovina

(General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.
The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.
If the investigation shows that there is evidence to confirm allegations of misconduct of a prosecutor, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

(2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.
The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances.
If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.
If the investigation shows that there is evidence to confirm allegations of misconduct of a prosecutor, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Montenegro

(General Comment): Article 110 par. 1 of the Law on State Prosecution Service If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution office, head of an immediately higher state prosecution office, Supreme State Prosecutor, Minister of Justice and Commission for Monitoring the Application of the Code of Prosecutorial Ethics.

(2024): ARTICLE 110, paragraph 1, Law on State Prosecution "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024.
Also, "The Disciplinary Prosecutor can initiate an investigation to determine the disciplinary responsibility of the State Prosecutor on his own initiative." Article 112, paragraph 2

North Macedonia

(General Comment): Law on Public Prosecution office Article 93
(1) The proceedings for establishment of liability of public prosecutors for committed disciplinary infringement shall be conducted upon annotated proposal of the Chief Public Prosecutor of the Republic of North Macedonia for all public prosecutors, and upon annotated proposal of a Higher Public Prosecutor of a Higher Public Prosecutor's Office for public prosecutors in a Higher Public Prosecutor's Office, or the Basic Public Prosecutor of the Basic Public Prosecutor's Office for public prosecutor in a basic public prosecutor's office, ex officio or after obtained information on committed infringement. The applicant shall submit proofs for committed disciplinary infringement accompanying the proposal for initiation of disciplinary proceeding. Proceeding for establishment of public prosecutors' liability for committed disciplinary infringement shall be initiated within six months as from the day of becoming aware of the committed infringement, but no later than three years from the day when the infringement was committed.

(2022): Please, see the general comment.

Serbia

ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
This Law regulates the jurisdiction of the Ministry of Justice and the High Prosecutorial Council in terms of Supervision over the implementation of the Act on Administration in the Public Prosecutor's Office. The Ministry of Justice has limited power over the questions regulated by the Act on Administration in the Public Prosecutor's Office regarding supervision. If the deficiencies are not eliminated within the set deadlines, the supervising authority, in this case, the Ministry of Justice, will file a disciplinary report against the chief public prosecutor of the supervised public prosecution.
Disciplinary action
Article 119
Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.
Supervision over the implementation of the Act on Administration in the Public Prosecutor's Office
Article 46
Supervision over the implementation of the act on administration in the public prosecutor's office is carried out by the High Council of Prosecutors and the ministry responsible for justice.
The High Council of the Prosecution supervises the implementation of the Act on Administration in the Public Prosecution in connection with the tasks referred to in Article 45, paragraph 1, point. 1)-6) and 13), of this law, and the ministry responsible for justice in connection with the affairs from Article 45, paragraph 1, point. 8), 10) and 14) of this law.
The High Prosecution Council and the Ministry responsible for justice jointly supervise the implementation of the Act on Administration in the Public Prosecutor's Office in connection with the tasks referred to in Article 45, paragraph 1, point. 7), 9), 11), 12) and 15) of this law.

(2024): According to the RULES ON DISCIPLINARY BODIES OF THE HIGH PROSECUTOR'S COUNCIL AND DISCIPLINARY PROCEEDINGS ("Official Gazette of the Republic of Serbia", No. 33/2024), the initiation and conduct of disciplinary proceedings is provided for in Article 26 and stipulates that
Disciplinary proceedings are initiated by the Disciplinary Prosecutor by submitting a proposal for conducting disciplinary proceedings (hereinafter: Proposal) to the Commission, based on a submitted disciplinary report or ex officio.
The Disciplinary Prosecutor may withdraw the Proposal until the Commission has made a decision.
The Disciplinary Prosecutor may not submit a new Proposal based on the same facts.
The Disciplinary Commission may not decide outside the Proposal of the Disciplinary Prosecutor.
Disciplinary proceedings are urgent, conducted with all guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office against whom the disciplinary proceedings are being conducted requests that the proceedings be public.
Disciplinary proceedings do not constitute an obstacle to conducting other proceedings against the holder of the public prosecutor's office.

ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
This Law regulates the jurisdiction of the Ministry of Justice and the High Prosecutorial Council in terms of Supervision over the implementation of the Act on Administration in the Public Prosecutor's Office. The Ministry of Justice has limited power over the questions regulated by the Act on Administration in the Public Prosecutor's Office regarding supervision. If the deficiencies are not eliminated within the set deadlines, the supervising authority, in this case, the Ministry of Justice, will file a disciplinary report against the chief public prosecutor of the supervised public prosecution.
Disciplinary action
Article 119
Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.
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The High Prosecution Council and the Ministry responsible for justice jointly supervise the implementation of the Act on Administration in the Public Prosecutor's Office in connection with the tasks referred to in Article 45, paragraph 1, point. 7), 9), 11), 12) and 15) of this law.

(2022): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor

(2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor

Kosovo*

(General Comment): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS
Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority transfers the complaint to the competent authority. Put differently, citizens can file complaints to the Council and the Ombudsman can request the Council to initiate disciplinary investigations, but the Council is the sole competent authority to formally start disciplinary proceedings.

(2024): Law on disciplinary liability of judges and prosecutors: Article 9: Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the Competent Authorities.

(2023): Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the Competent Authorities

Question 244

Albania

(General Comment): According to article 159, paragraph 2, letter “b”, of law no. 115/2016 ““On governance institutions of the justice system”, as amended, The High Prosecutorial Council shall assume the following competences in the plenary meeting: b) decides on the disciplinary measures on prosecutors of all levels

(2023): NA

(2022): High Prosecutorial Council

Bosnia and Herzegovina

(General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial
Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detainment, until pre-trial detainment ends.

(2024): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detainment, until pre-trial detainment ends.

(2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial
Council of Bosnia and Herzegovina (HJPC), The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detainment, until pre-trial detainment ends.

Montenegro

(General Comment): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service. "The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary
Panel upon the motion to indict issued by the disciplinary plaintiff.
Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel.
Supreme State Prosecutor may not be a member of the Disciplinary Panel.
Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the
Prosecutorial Council President.
The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be conducted before Prosecutorial
Council upon the motion to indict of the Disciplinary Plaintiff."

North Macedonia

(General Comment): Law on Public Prosecution office Article 93
(2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.
(3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.
(4) If the committee finds that there are no reasonable doubts for committed disciplinary infringement by the public prosecutor, it shall conclude that no proceeding will be initiated.
(5) If the committee finds that the proposal is grounded, it shall adopt a decision for initiation of a disciplinary proceeding.
(6) The public prosecutor against whom disciplinary proceeding is initiated shall be entitled to be heard before the Committee for establishing disciplinary responsibilities in a presence of a defense attorney, as well as to propose proofs in their own favour.
(7) If the Committee, with a majority of votes from the total number of its members, finds that disciplinary infringements has been committed, it shall adopt a decision and impose one of the prescribed sanction in Article 95 paragraph (1) indents 1 and 2, and paragraph (2) indent 1 of this Law.
(8) Committee members shall start voting form the more serious to milder ones when they vote on the type of disciplinary measures.
(9) The voting shall stop when a decision to impose disciplinary measure has been adopted.
(10) In the event when after the voting on each disciplinary measure no decision has been adopted with a majority of the total number of Committee members, the voting shall not be repeated, unless a total number of members submitted a proposal to repeat the voting for one of the measures, at the same session.
(11) If the majority of the Committee members consider that evidence for the existence of grounds for dismissal of a public prosecutor has been presented during the procedure, then, they may propose such dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, and the proposal shall also be submitted to the public prosecutor against whom the proceeding is initiated. Public prosecutor shall be entitled to an appeal against the proposal for their dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, within seven days from the submission of the proposal.

(2024): Please, see the general comment.

(2023): Please, see the general comment.

(2022): Please, see the general comment.

Serbia

(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Disciplinary action
Article 119
Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.

(2024) According to the rules on disciplinary bodies of the high prosecutorial council and disciplinary proceedings (Official Gazette of the Republic of Serbia - No. 33/2024) Powers of the Disciplinary Commission

Article 31

In the procedure for determining the disciplinary liability of the holder of the public prosecutorial function, the Commission may:

1) reject the Proposal as unfounded;

2) adopt the Proposal, declare the holder of the public prosecutorial function responsible for the committed disciplinary offense and impose a disciplinary measure on him/her;

3) suspend the procedure if:

- The disciplinary prosecutor withdraws the Proposal during the procedure;
- the public prosecutorial function of the holder of the public prosecutorial function against whom the procedure is being conducted ceases or
- the statute of limitations for conducting disciplinary proceedings has expired.

The Commission shall make a decision within 15 days of the conclusion of the hearing and shall submit it to the Disciplinary Prosecutor and the holder of the public prosecutorial function whose disciplinary liability is being determined, or to his or her authorized representative.

The Commission shall submit a final decision to the Council for entry in the personal file of the holder of the public prosecutorial function.

If the Commission decides not to initiate proceedings to determine the reasons for the dismissal of the holder of the public prosecutorial function who has been declared liable for a serious disciplinary offence by the Commission's decision, it shall notify the Council of that decision.

Decision-making method of the Disciplinary Commission

Article 32

Decisions of the Commission shall be made by a majority vote of the members of the Commission, of which a special record shall be drawn up and signed by all members of the Commission.

Decisions of the Commission shall be drawn up in the form of a resolution, within 15 days of the date of adoption.

A dissenting opinion of a member of the Commission shall be noted in the minutes of deliberation and voting.

The decision establishing that the holder of the public prosecutor's office is liable for a disciplinary offence shall contain:

1) an introduction, which shall include: the composition of the Commission, the names of the parties and their attorneys, the subject matter of the proceedings and the date of the decision;

2) a factual description of the disciplinary offence;

3) the provisions of the Law and other laws and regulations applied in the disciplinary proceedings, as well as the legal qualification of the disciplinary offence;

4) the disciplinary measure imposed;

5) a decision on the costs of the disciplinary proceedings;

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Disciplinary action
Article 119
Any person may file a disciplinary report against the holder of the public prosecutor's office to the Disciplinary Prosecutor.
The proposal for conducting disciplinary proceedings is submitted by the Disciplinary Prosecutor on the basis of a disciplinary report or ex officio.
Disciplinary proceedings are conducted by the Disciplinary Commission on the proposal of the Disciplinary Prosecutor. The Disciplinary Commission cannot decide beyond the proposal of the Disciplinary Prosecutor.
During the disciplinary proceedings, the Disciplinary Prosecutor may amend or expand the proposal for conducting the disciplinary proceedings, if the presented evidence indicates a change in the factual situation in relation to the submitted proposal or if the holder of the public prosecutor's office whose disciplinary responsibility is determined has committed another disciplinary offense. Disciplinary proceedings are urgent, they are conducted with all the guarantees of a fair trial, without the presence of the public, unless the holder of the public prosecutor's office in relation to whom the disciplinary proceedings are conducted requires that it be public.
Disciplinary proceedings are regulated in more detail by an act of the High Council of the Prosecutor's Office.
Conduct of disciplinary proceedings expires three years after the day when the disciplinary offense was committed, and does not expire during the duration of the administrative dispute, i.e. court proceedings related to the initiated disciplinary proceedings and pronounced disciplinary measure.

(2022): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

Kosovo*
(General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, the Council, sole, decides whether the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3).

(2024): In the initial phases in order to treat the complaint received the role of each body is as follows:
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors; 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible; 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.

(2023): In the initial phases in order to treat the complaint received the role of each body is as follows:
1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors; 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible; 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor

Question 245

Bosnia and Herzegovina

(General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

(2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68
Rights of Parties during Disciplinary Proceedings
Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:
(a) the right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
(b) the right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
(c) the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) the right that judgments shall be pronounced publicly and/or made public in some manner; and
(e) the right to appeal adverse decisions.

Serbia
(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The position of the holder of the public prosecutor's office in disciplinary proceedings
Article 121
The holder of the public prosecutor's office has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through an attorney.
The holder of the office of public prosecutor has the right to present his allegations orally before the Disciplinary Commission.
Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 22, Line 6: The prosecutor whose disciplinary liability is determined has the right to present his allegations orally before the Disciplinary Commission.
Article 24: The prosecutor whose disciplinary liability is determined has the right to:
- be informed about the reasons for initiating the procedure after checking the allegations of the disciplinary report by the Disciplinary Prosecutor;
- become familiar with the subject and accompanying documentation;
- to make a statement about the submitted and expanded Proposal;
- has a representative in all stages of the disciplinary procedure;
- requires that the discussion be public;

(2024): According to the RULES ON DISCIPLINARY BODIES OF THE HIGH PROSECUTORIAL COUNCIL AND DISCIPLINARY PROCEEDINGS ("Official Gazette of the Republic of Serbia", No. 33/2024) Rights of the holder of the public prosecutorial function whose disciplinary liability is being determined
Article 30
The holder of the public prosecutorial function whose disciplinary liability is being determined has the right to:
1) be informed of the reasons for initiating the procedure;
2) be familiarized with the case and evidence and to provide explanations and evidence for his allegations;
3) state his opinion on the submitted, amended or expanded Proposal;
4) have a proxy at all stages of the disciplinary procedure;
5) request that the hearing be public;
6) appeal the decision of the Disciplinary Commission.

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
The position of the holder of the public prosecutor's office in disciplinary proceedings
Article 121
The holder of the public prosecutor's office has the right to be immediately presented with a proposal for conducting disciplinary proceedings, to familiarize himself with the case and the evidence, and to provide an explanation and evidence for his allegations himself or through an attorney.
The holder of the office of public prosecutor has the right to present his allegations orally before the Disciplinary Commission.

Question 246

Albania
(2024): Disciplinary violations related to the exercise of the function

Bosnia and Herzegovina
(General Comment): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2022): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2021): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.
The number of disciplinary proceedings initiated against prosecutors increased considerably in 2021 compared to 2020. The most significant cause for this development was the increased number of complaints received in 2021 by the Office of Disciplinary Counsel at HJPC.

(2019): Some proceedings against prosecutors were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the "main reasons" for initiating proceedings, in our best estimate.
For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:
1. neglect or careless exercise of official duties; 2. unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. failure to comply with the decision on temporary transfer to another prosecutor's office.
It should be noted that number of initiated proceedings is the highest since the establishment of the HJPC, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.

Montenegro

(2024): no accurate and complete data were submitted in the report on assets and income in 2020 - one case (Article 108, paragraph 3, item 8 of the Law on State Prosecution)
- Due to failure to act in cases, the statute of limitations for criminal prosecution has expired - one case (Article 108, paragraph 3, item 1 of the Law on State Prosecution)
- Proposal submitted by an unauthorized applicant - one case

Serbia
(General Comment): "Professional inadequacy" means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:
- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

Kosovo*

(2024): Clarification: In table above, there are (6) disciplinary cases initiated in the year – 2024, six of them (all of them) are professional violations, while (4) of them are professional and ethical violations. However to avoid duplication only two cases are reported in the "professional inadequacy" box.

(2023): During 2023, KPC received 8 new cases of requests for initiating the disciplinary procedures against prosecutors. There were 2 prosecutor for whom we received 2 separate cases for each so the cases were joined. As a result, in total, there were 6 cases treated.

Question 246-1

Bosnia and Herzegovina

(General Comment): For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:
1.neglect or careless exercise of official duties; 2.unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3.failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4.failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5.failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6.failure to comply with the decision on temporary transfer to another prosecutor's office.
Law on HJPC, article 57, paragraphs 8, 9, 10, 13, 15, 17, 20 and 21 are used for classification of disciplinary offences of prosecutors related to the professional inadequacies. Other paragraphs of article 57 are classified under Breach of professional ethics (including breach of integrity).

Serbia

(General Comment): "Professional inadequacy" means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:
- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

Question 247

Albania

(2024): Disciplinary violations related to the exercise of the function

(2023): NA

Montenegro

(2024): - 2 cases - a proposal submitted due to non-action in the cases, the statute of limitations for criminal prosecution has expired (Art. 108 para. 3 point 1 of the Law on State Prosecution)
- 2 cases - proposal submitted because accurate and complete data were not submitted in the report on assets and income in 2020 (art. 108 paragraph 3 point 8 of the Law on State Prosecution)
- 1 subject - a proposal submitted by an unauthorized applicant

(2021): Od 5 etičkih postupaka u 2 etička postupka je utvrđena povreda Etičkog kodeksa, dok u ostala 3 nije utvrđena povreda.

North Macedonia

(2024): The cases were closed due to lack of evidence

Kosovo*

(2024): Clarification: four disciplinary cases (all of them) are professional violations, while (2) two cases are professional and ethical violations. However to avoid duplication only two cases are reported in the "professional inadequacy" box.

(2023): Of the 8 cases received, 3 cases are still unfinished (1 is in the Supreme Court, 1 is being treated in the KPC and 1 is still being treated in the investigative panel)

Question 248

Albania

(2022): In the case of the second disciplinary proceeding completed during 2022, the High Justice Inspector has proposed to the High Prosecutorial Council, the appointment of the disciplinary measure "Public notice" for the prosecutor and for the head of the prosecution office, for the disciplinary violations provided in Article 102/1, letters "ç", "dh", and "l", of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended. At the end of the disciplinary proceeding, with Decision no. 31, dated 24.02.2022, High Prosecutorial Council rejected the proposal of the High Justice Inspector to give the disciplinary measure "Public notice" to the two magistrates.

Bosnia and Herzegovina

(2022): There was a difference between the number of disciplinary proceedings (13) and the number of penalties (10). This difference occurred because a disciplinary lawsuit was rejected in (3) cases.

(2019): As “other” measure, there is a written warning which shall not be made public, imposed against 4 prosecutors. This is a non-public measure.
The number of completed cases (13) is higher then the number of initiated proceedings (11). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the Council as third instance. Therefore, some of the proceedings initiated in 2018 were completed in 2019.
Although no suspension was imposed as disciplinary sanction in 2019, it should be noted that there is ongoing suspension of 5 prosecutors, emanating form criminal proceedings initiated against them before 2019.
It should be noted that number of initiated proceedings and the number of sanctions pronounced against prosecutors is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.

Montenegro

(2024): One case - the proposal to establishing disciplinary liability is rejected as unfounded, because the proposal was submitted for an action that is not prescribed as a disciplinary offense
Two cases - the proposal to establish disciplinary liability is rejected as unfounded due to the lack of evidence that the appointee committed a disciplinary offense
One case - the proposal to initiate disciplinary proceedings is rejected because it was submitted by an unauthorized applicant

Serbia

(2022): Other: ban on promotion for period of 3 years

(2021): Other: ban on promotion in 3 years period

Kosovo*

(General comment) Law on disciplinary liability of judges and prosecutors
Article 7
Disciplinary sanctions
1. One or more of the following disciplinary sanctions may be imposed by the Councils on judges and prosecutors for a disciplinary offense:
1.1. non-public written reprimand;
1.2. public written reprimand;
1.3. temporary wage reduction up to fifty percent (50%) for a period of up to one (1) year;
1.4. temporary or permanent transfer to a lower level court or prosecution office;
1.5. proposal for dismissal.
2. Disciplinary sanctions shall be imposed only in compliance with the principle of proportionality and taking into account:
2.1. the number and seriousness of the disciplinary offenses committed by a judge or prosecutor;
2.2. the consequences of a disciplinary offense;
2.3. the circumstances under which the disciplinary offense was committed;
2.4. the overall performance and behaviour of the judge or prosecutor;
2.5. the behaviour and level of cooperation of the judge or prosecutor during the disciplinary proceedings.
3. A decision on the disciplinary liability of a judge or prosecutor shall be issued also in cases when a judge or prosecutor has after the initiation of disciplinary procedures resigned from duty or whose function as a judge or prosecutor was terminated in any other manner.
4. With the exception of the non-public reprimand, all final decisions on disciplinary sanctions shall be published without delay, but not later than fifteen (15) days, by the respective Councils on their web-site.
5. The Council shall maintain a disciplinary evidence record which shall register all disciplinary investigations and sanctions against a judge or prosecutor. Records on a disciplinary

(2024): The number of decisions for disciplinary procedures includes cases that started in 2023 and some of 2024. Of the 4 cases with “Reprimand” for 1 there is a “Written non-public reprimand”, for 4 prosecutors there is a “Written public reprimand”.

(2023): Of the 4 cases with disciplinary sanction “Reprimand” 2 are “Written non public reprimands” and 2 are “Written public reprimands” out of which 1 is with and agreement.

(2022): During 2022 KPC received 9 requests for initiating disciplinary procedures against prosecutors. Based on these, KPC established 8 investigative panels, and dismissed 1 request for initiation disciplinary procedures.
9 cases were transferred from 2021 and as such in total KPC took 15 disciplinary decisions and 2 other cases are still ongoing.

(2021): The one reprimand case was (non public written reprimand) and the 3 withdrawn from cases no disciplinary offence were founded. From 14 requests for initiating disciplinary procedures, for 13 KPC established the investigative panels. Out of these, for 5 cases there were final decisions made regarding disciplinary liability. 1 cases was suspended due to criminal procedures.
For 2 other cases the decision will be made in one of KPC meetings in 2022.
5 other cases are ongoing.

Question 250

Serbia
(General Comment): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Decision of the Disciplinary Commission
Article 122
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the holder of the public prosecutor's office against whom disciplinary proceedings are being conducted may file an appeal with the High Council of Prosecution, within eight days from the date of delivery of the decision.

Question 251

Albania
(2024): According to Law no. 115/2016 “On the governance institutions of justice system”, as amended, individual administrative acts (decisions) of the High Prosecutorial Council that impose disciplinary measures on prosecutors are appealed to the Constitutional Court.

(2023): NA

(2022): Article 147 of the Law no. 96/2016 ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA
Right to Appeal Disciplinary Decisions
1. The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.
2. The High Justice Inspector shall have the right to appeal any decision of the Council in disciplinary matters before the competent court.

Bosnia and Herzegovina

(General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

(2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

North Macedonia

(General Comment): Law on Public Prosecution office Article 94
(1) The Committee shall impose a disciplinary measure as referred to in Article 95 indents 1 and 2 and paragraph (2) indent 1 of this Law. The Council of the Public Prosecutors of the Republic of North Macedonia shall decide upon the appeal against the Committee's decision and upon appeal submitted against the proposal for dismissal, or upon the expiry of a deadline when no appeal was filed, and it may overrule, reverse or confirm the Committee's decision, or accept or refuse the dismissal proposal.
(2) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt a decision for dismissal of a public prosecutor in a procedure set by law.
(3) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt the decision for dismissal of a public prosecutor as referred to in paragraph (2) of this Article with a majority of votes of the total number of members.
(4) A decision for dismissal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organised crime and corruption shall be adopted by two-thirds majority of the total number of members of the Council of Public Prosecutors of the Republic of North Macedonia.
(5) The public prosecutor shall be entitled to initiate a dispute before the competent court against the decision made by the Council of Public Prosecutors of the Republic of North Macedonia. (6) The Council of Public Prosecutors of the Republic of North Macedonia shall enact a Rulebook on the procedure for establishment of liability of public prosecutors upon the proposal of the Chief Public Prosecutor of the Republic of North Macedonia. 22. DISCIPLINARY MEASURES Article 95
(1) When a mild disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed: - a written warning, - salary reduction in the amount of up to 15% of the monthly salary of the public prosecutor for a period of one to six months. (2) When a serious disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed:
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

(2022): Please, see the general comment.

Serbia
(General Comment): High prosecutorial Concil

(2024) According to the Rules on Disciplinary Bodies of the High Prosecutorial Council and Disciplinary Proceedings ("Official Gazette of the Republic of Serbia", No. 33/2024) Appeal

Article 34

Against the decision of the Commission, the Disciplinary Prosecutor and the holder of the public prosecutor's office against whom disciplinary proceedings are being conducted may file an appeal with the Council, within eight days from the date of delivery of the decision.

The appeal shall contain:

1) the number and date of the Commission's decision against which the appeal is being filed;

2) the grounds and reasons for the appeal;

3) a statement as to whether the decision is being contested in whole or in part;

4) signature.

The Commission shall submit the appeal together with the attachments to the other party in the proceedings for a response.

The party may, within three days from the date of receipt of the appeal, submit a response to the appeal to the Council.

Grounds for appeal

Article 35

A decision of the Commission may be challenged:

1) due to violations of procedural rules that could have affected the adoption of a lawful and correct decision;

2) due to erroneous or incomplete determination of the factual situation;

3) due to erroneous application of substantive law;

4) due to a decision on a disciplinary measure imposed.

Decisions of the Council upon appeal

Article 36

When deciding upon an appeal, the Council may reject the appeal as untimely, inadmissible or filed by an unauthorized person, confirm the first-instance decision of the Commission or modify the decision.

Method of decision-making by the Council

Article 37

After receiving the appeal, the President of the Council shall appoint a rapporteur from among the members of the Council who are elected from among the public prosecutors.

Decisions of the Council shall be made by a majority vote as prescribed in Article 20, paragraphs 2 and 3 of the Law on the High Prosecutorial Council.

The Minister responsible for justice may not vote in the appeal procedure.

(2023): THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Decision of the Disciplinary Commission
Article 122
After the disciplinary procedure has been carried out, the Disciplinary Commission can reject the proposal for conducting the disciplinary procedure or adopt the proposal and impose a disciplinary measure.
The decision of the Disciplinary Commission from paragraph 1 of this article must be explained.
Against the decision of the Disciplinary Commission, the Disciplinary Prosecutor and the holder of the public prosecutor's office against whom disciplinary proceedings are being conducted may file an appeal with the High Council of Prosecution, within eight days from the date of delivery of the decision.

(2022): Appeal can be filed to the State Prosecutorial Council exclusively.

9. Alternative Dispute Resolution - Overview

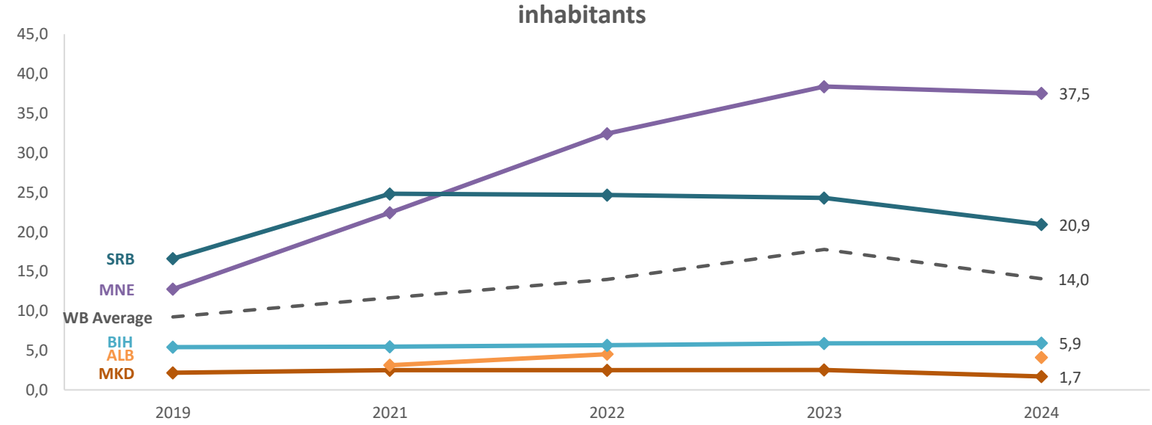
Number of accredited mediators and number of cases in court related mediation

Number of accredited mediators and its variations between 2019 and 2024 and between 2023 and 2024 (Tables 9.1.3 and 9.1.4)

Beneficiaries	Number of accredited mediators			
	2024		Variation 2019 - 2024 (%)	Variation 2023 - 2024 (%)
	Absolute number	Per 100 000 inhabitants		
Albania	114	4,1	NA	NA
Bosnia and Herzegovina	203	5,9	7,4%	0,5%
Montenegro	234	37,5	196,2%	-3,7%
North Macedonia	31	1,7	-31,1%	-32,6%
Serbia	1 383	20,9	19,6%	-14,2%
Kosovo*	100	6,2	-33,3%	-33,3%
WB Median	203	5,9	13,5%	-9,0%

For reference only: the 2023 EU median is 19 number of mediators per 100 000 inhabitants.

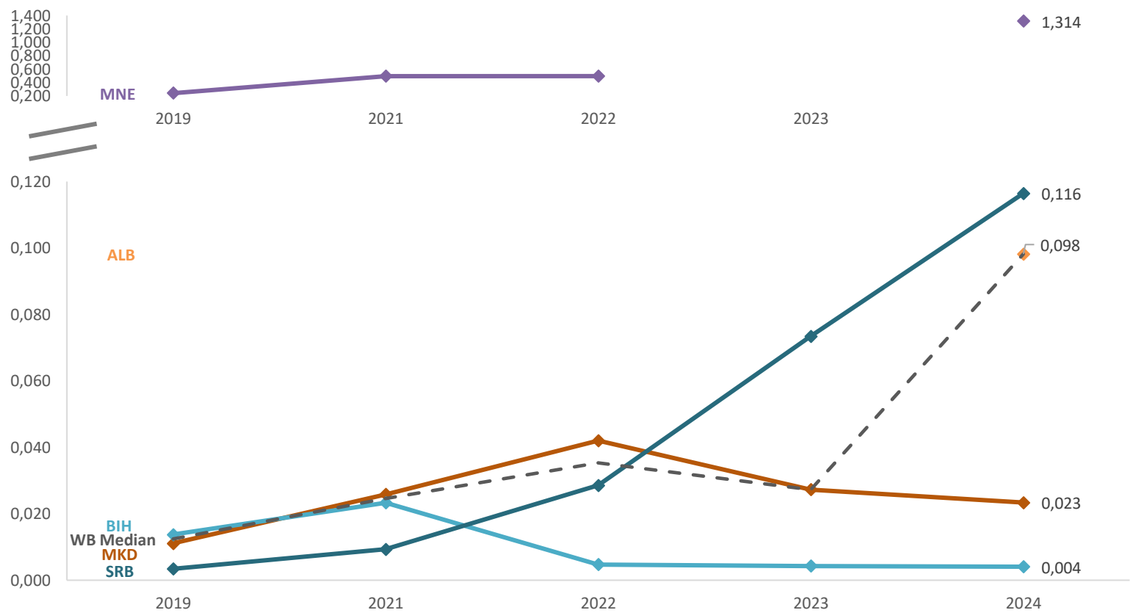
Figure 9.1 Evolution of the number of accredited mediators per 100 000 inhabitants



Number of cases of court-related mediations and its variation between 2023 and 2024 (Table 9.1.6)

Beneficiaries	Number of court related mediation cases					
	Cases with agreement to start mediation		Finished court-related mediations		Cases with a settlement agreement	
	2024	Variation 2023 - 2024 (%)	2024	Variation 2023 - 2024 (%)	2024	Variation 2023 - 2024 (%)
Albania	2 712	NA	NA	NA	NA	NA
Bosnia and Herzegovina	139	-6,1%	135	-0,7%	128	6,7%
Montenegro	8 193	NA	NA	NA	2 125	-32,0%
North Macedonia	427	-14,4%	NA	NA	59	-59,0%
Serbia	7 692	57,8%	NA	NA	NA	NA
Kosovo*	NA	NA	7 824	NA	NA	NA
WB Median	2 712	-6,1%	-	-0,7%	128	-32,0%

Figure 9.2 Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants



North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

9. Alternative Dispute Resolution - List of tables

Table 9.1.1 Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2024 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Providers of court-related mediation services by case types in 2024 (Q255)

Table 9.1.3 Number of accredited mediators between 2019 and 2024 and their gender distribution in 2024 (Q257)

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2019 and 2024 (Q1 and Q257)

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Table 9.1.6 Number of cases of court related mediation in 2024 (Q258)

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2019 to 2024 (Q1 and Q258)

Table 9.1.8 Existence of other alternative dispute resolution methods in 2024 (Q259)

Table 9.1.1 Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2024 (Q252, Q253, Q254 and Q256)

Beneficiaries	Existence of court-related mediation, mandatory mediation or informative sessions and legal aid for court mediation in 2024				
	Court related mediation	Mandatory mediation with a mediator		Mandatory informative sessions with a mediator	Possibility to receive legal aid for court related mediation
		Before/instead of going to court	Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding		
Albania	Yes	No	No	Yes	No
Bosnia and Herzegovina	Yes	No	No	No	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	No	No	No
Serbia	Yes	No	No	No	Yes
Kosovo*	Yes	No	Yes	Yes	No

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Table 9.1.2 Providers of court-related mediation services by case types in 2024 (Q255)

Beneficiaries	Providers of court-related mediation services in 2024					
	Civil and commercial cases	Family cases	Administrative cases	Labour cases including employment dismissals	Criminal cases	Consumer cases
Albania	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator
Bosnia and Herzegovina	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority
Montenegro	Public authority	Public authority	None	Public authority	Public authority	Public authority
North Macedonia	Private mediator	Private mediator Judge	None	Private mediator	Private mediator	Private mediator
Serbia	Private mediator Public authority Judge	Private mediator Public authority Judge	Private mediator Public authority Judge	Private mediator Public authority Judge	Private mediator	Private mediator Public authority Judge
Kosovo*	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 9.1.3 Number of accredited mediators between 2019 and 2024 and their gender distribution in 2024 (Q257)

Beneficiaries	Number of accredited mediators							Gender distribution of mediators in 2024	
	2019	2021	2022	2023	2024	Variation 2019 - 2024 (%)	Variation 2023 - 2024 (%)	% Males	% Females
Albania	NA	87	126	NA	114	NA	NA	14,9%	85,1%
Bosnia and Herzegovina	189	190	195	202	203	7%	0,5%	43,3%	56,7%
Montenegro	79	139	201	243	234	196%	-3,7%	25,6%	74,4%
North Macedonia	45	46	46	46	31	-31%	-32,6%	45,2%	54,8%
Serbia	1 156	1 705	1 677	1 612	1 383	20%	-14,2%	32,2%	67,8%
Kosovo*	189	NA	189	126	100	-33,3%	-33,3%	70,0%	30,0%
Average	367	433	449	526	393	48,0%	-12,5%	32,2%	67,8%
Median	134	139	195	223	203	13,5%	-9,0%	32,2%	67,8%
Minimum	45	46	46	46	31	-31,1%	-32,6%	14,9%	54,8%
Maximum	1 156	1 705	1 677	1 612	1 383	196,2%	0,5%	45,2%	85,1%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2019 and 2024 (Q1 and Q257)

Beneficiaries	Number of accredited mediators per 100 000 inhabitants				
	2019	2021	2022	2023	2024
Albania	NA	3,1	4,5	NA	4,1
Bosnia and Herzegovina	5,4	5,5	5,6	5,9	5,9
Montenegro	12,7	22,4	32,4	38,4	37,5
North Macedonia	2,2	2,5	2,5	2,5	1,7
Serbia	16,6	24,8	24,7	24,3	20,9
Kosovo*	10,6	NA	10,4	7,2	6,2
Average	9,2	11,7	14,0	17,8	14,0
Median	9,1	5,5	5,6	15,1	5,9
Minimum	2,2	2,5	2,5	2,5	1,7
Maximum	16,6	24,8	32,4	38,4	37,5

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2024
Albania	The requirements and procedure to become an accredited or registered mediator in Albania, based on Law No. 10385, dated 24.02.2011, "On Mediation in Dispute Resolution", and its amendments. A. General Eligibility Criteria To qualify as a mediator in Albania, an applicant must: Be at least 28 years old and 3 years experience. Be an Albanian citizen or a foreign citizen with legal residence in Albania. Have full legal capacity to act. Have no criminal record for offenses that could impact integrity or credibility in the profession. B. Educational and Professional Requirements Hold a university degree (typically in law, psychology, social sciences, business, or related fields). Complete accredited mediation training from an institution approved by the Ministry of Justice or National Chamber of Mediators. Prior experience in law, psychology, or business fields is preferred but not always required. The Procedure to be mediators: Step 1: Completion of Mediation Training – Candidates must complete a theoretical and practical training program approved by the Ministry of Justice. Training covers mediation techniques, negotiation, conflict resolution, communication skills, and legal framework. Step 2: Application for Accreditation – After completing training, candidates must submit an application to the National Chamber of Mediators, including: University diploma (and proof of related studies). Certificate of completed mediation training. Clean criminal record certificate. A formal request to be listed in the National Register of Mediators. Step 3: Professional Evaluation & Registration – The National Chamber of Mediators evaluates the candidate's qualifications. Candidates may need to pass a professional assessment or exam. If successful, the candidate is registered in the National Register of Mediators. Step 4: License Issuance & Professional Oath – Upon approval, the candidate receives a Mediation License. The mediator must take an oath of professional conduct before practicing. Renewal and Professional Training Ongoing Training: Mediators must participate in continuous professional development programs. Ethical Standards: Mediators must adhere to the Code of Ethics set by the National Chamber of Mediators.

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2024
Bosnia and Herzegovina	The Law on mediation procedure determines the requirements for conducting the mediation as follows. The mediator may be a person meeting general requirements for employment. In addition, the mediator must meet the following requirements: a) a university degree, b) completed training in mediation according to the program of the Association of mediators or according to another training programs recognized by the association, c) entry into the registry of mediators held by the association.
Montenegro	According to the Alternative dispute resolution act licence for the work of mediators shall be granted to the person: - who hold Montenegrin nationality or nationality of a Member State of the European Union - who holds the VII1 level of educational qualification - who has general health capacity - who has minimum five years of work experience in the jobs where the VII1 level of education qualification is required - who has not been convicted of any offence which makes him unworthy of conduction mediation - who has not been imposed security measure which involved prohibition to take up occupation, perform activity of duty - against whom no criminal proceeding are conducted for the criminal offence for which prosecution is initiated ex officio The training is organized and conducted by the Centre for Alternative Dispute Resolution, which issues a certificate upon completion. A request for the certificate of completed training is submitted to the Ministry of Justice through the Centre. The license is granted for a period of five years and may be renewed for the same duration.
North Macedonia	- Diploma for completed higher education VII/I or 300 credits according to the European credit transfer system (ECTS) in the Republic of North Macedonia or a solution for recognition of an appropriate higher education qualification acquired abroad issued from the Ministry of Education and Science; - a certificate of completed basic training for a mediator according to an accredited program of this type of at least 70 hours in the Republic of North Macedonia; - certificate of at least three years of work experience after graduating from university education; - confirmation of having followed four or more mediation procedures before a mediator, which are recorded in the Register, issue from Mediation Council; - certificate of citizenship of the Republic of North Macedonia and - conducted a psychological test and an integrity test issued by a licensed professional person.

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2024 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2024
Serbia	The request is submitted to the Ministry of Justice, which issues licenses for mediation to persons who meet the conditions and registers them in the Registry of Mediators LAW ON MEDIATION IN DISPUTE RESOLUTION ("Official Gazette of the Republic of Serbia", No. 55/2014) VI. MEDIATOR Conditions for Performing Mediation Article 33 In order to perform mediation tasks, a person must meet the following conditions: Be legally capable; Be a citizen of the Republic of Serbia; Have completed basic mediator training; Have a higher education qualification; Not have been sentenced to an unconditional prison sentence for a criminal offense that renders them unfit to perform mediation tasks; Hold a mediation license; Be registered in the Mediator Registry.
Kosovo*	Requirements for Mediators, Their Certification and Licensing: A mediator can be any person who meets the following conditions: 1.1. Hold a university degree; 1.2. Have legal capacity; 1.3. Successfully complete mediation training, including resolving practical cases as part of the training and under the supervision of a licensed mediator. A certificate will be issued to a person who successfully completes the mediation training, which serves as the basis for entry into the register of mediators. The certification of mediators is carried out by the Minister of Justice. The Ministry of Justice licenses mediators who meet the following conditions: 4.1. Be certified as a mediator; 4.2. Not have been convicted of a criminal offense; 4.3. Have a high professional reputation and moral integrity.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 9.1.6 Number of cases of court related mediation in 2024 (Q258)

Beneficiaries	Number of cases of court related mediation in 2024																							
	Total 1+2+3+4+5+6+7			Civil and commercial cases (1)			Family cases (2)			Administrative cases (3)			Labour cases including employment dismissal cases (4)			Criminal cases (5)			Consumer cases (6)			Other cases (7)		
	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement
Albania	2 712	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	139	135	128	131	127	120	0	0	0	3	3	3	5	5	5	0	0	0	0	0	0	0	0	0
Montenegro	8 193	NA	2 125	NAP	NA	1 300	50	NA	297	NAP	NAP	NAP	3 166	NA	405	NAP	NA	NA	NAP	NA	NAP	4 977	NA	123
North Macedonia	427	NA	59	402	NA	38	2	NA	1	NAP	NAP	NAP	20	NA	20	NA	NA	NA	2	NA	0	1	NA	0
Serbia	7 692	NA	NA	1 259	NA	NA	137	NA	NA	38	NA	NA	112	NA	NA	19	NA	NA	3 318	NA	NA	2 809	NA	NA
Kosovo*	NA	7 824	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	3 833	-	771	597	-	486	47	-	99	-	-	-	826	-	143	-	-	-	1 107	-	-	1 947	-	41
Median	2 712	-	128	402	-	120	26	-	1	-	-	-	66	-	20	-	-	-	2	-	-	1 405	-	0
Minimum	139	-	59	131	-	38	0	-	0	-	-	-	5	-	5	-	-	-	0	-	-	0	-	0
Maximum	8 193	-	2 125	1 259	-	1 300	137	-	297	-	-	-	3 166	-	405	-	-	-	3 318	-	-	4 977	-	123

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2019 to 2024 (Q1 and Q258)

Beneficiaries	Evolution of total number of cases of court related mediation per 100 inhabitants from 2019 to 2024														
	2019			2021			2022			2023			2024		
	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Cases for which the parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0,098	NA	NA
Bosnia and Herzegovina	0,014	0,013	0,013	0,023	0,019	0,017	0,005	0,004	0,003	0,004	0,004	0,003	0,004	0,004	0,004
Montenegro	0,241	0,146	0,136	0,496	0,307	0,212	0,496	0,496	0,387	NA	NA	0,494	1,314	NA	0,341
North Macedonia	0,011	NA	0,003	0,026	0,026	0,008	0,042	0,038	0,019	0,027	0,027	0,008	0,023	NA	0,003
Serbia	0,003	0,003	0,002	0,009	NA	NA	0,029	NA	NA	0,073	NA	NA	0,116	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	0,414	0,134	NA	NA	NA	NA	NA	0,488	NA
Average	0,067	0,054	0,039	0,139	0,117	0,079	0,143	0,179	0,136	0,035	-	0,168	0,311	-	0,116
Median	0,012	0,013	0,008	0,025	0,026	0,017	0,035	0,038	0,019	0,027	-	0,008	0,098	-	0,004
Minimum	0,003	0,003	0,002	0,009	0,019	0,008	0,005	0,004	0,003	0,004	-	0,003	0,004	-	0,003
Maximum	0,241	0,146	0,136	0,496	0,307	0,212	0,496	0,496	0,387	0,073	-	0,494	1,314	-	0,341

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 9.1.8 Existence of other alternative dispute resolution methods in 2024 (Q259)

Beneficiaries	Other alternative dispute resolution methods			
	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other alternative dispute resolution
Albania				
Bosnia and Herzegovina				
Montenegro				
North Macedonia				
Serbia				
Kosovo*				

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes
No
NA
NAP

Indicator 9- Alternative Dispute Resolution

by country

Question 252. Does the judicial system provide for court-related mediation procedures?
Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?
Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?
Question 255. Please specify, by type of cases, who provides court-related mediation services:
Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?
Question 257. Number of accredited or registered mediators for court-related mediation:
Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?
Question 258. Number of court-related mediations:
Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Albania
Q253 (General Comment): NA
Q253 (2024): No, in Albanian Law of Medition it is not mandatory but volunteer
Q254 (2024): for informative session have:
In Code of Civil Procedure (Law 38/2017) in article 25, paraghraph 2, 4 and 6 of article 38, in article 75 , spelling dh and article 76

Q254 (2021): If there are mandatory informative sessions, please specify which fields are concerned: Civil case, family case, criminal case, work case.
Q255 (General Comment): NA

The Law No. 10385, dated 24.02.2011, "On Mediation in Dispute Resolution", along with amendments, regulates mediation procedures and establishes when mediation is encouraged or required.

1. Family Disputes:
   - In cases of divorce, child custody, and parental responsibilities, courts often require parties to attend an informative session with a mediator before proceeding with litigation.
   - Mediation is encouraged in disputes over alimony, property division, and visitation rights.
2. Commercial Disputes:
   - Certain commercial disputes, particularly those related to contractual obligations and business partnerships, may involve mandatory mediation sessions before resorting to court.
3. Labor Disputes:
   - Disputes between employers and employees, such as wrongful termination or discrimination cases, often involve mediation as a first step before court proceedings.
4. Civil Disputes:
   - Some civil cases involving compensation claims, property conflicts, and contractual disagreements may require an informative session about mediation as an alternative to court.
5. Penal Disputes:
   - Some penall cases involving compensation claims, article 59 Code of Penal Procedure are 13 caces and article 284 11 cases , and contractual disagreements may require an informative session about mediation as an alternative to court.

Q256 (2023): NA
Q259 (General Comment): NA
Q259 (2024): In Albania, under the law of Arbitration (Law no 53 /2023) is crated the Permanent Institution of Arbitration, with Decision of Tirana Court no 1943 date 19.09.2024

Bosnia and Herzegovina

Q252 (General Comment): The civil and criminal procedure codes foresee court-related mediation procedures.
Civil proceedings:
At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.
Criminal proceedings:
The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In les complex juvenile cases involving issuing educational recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.
Q252 (2019): The civil and criminal procedure codes foresee court-related mediation procedures.
Civil proceedings:
At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.
Criminal proceedings:
The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In les complex juvenile cases involving issuing educational recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

Q256 (General Comment): The legislation on free legal aid regulates that free legal assistance is available for poor litigants within procedures for peaceful settlement of disputes, including the mediation procedures.

Q257 (General Comment): The Law on mediation procedure governs the mediation procedure on the territory of Bosnia and Herzegovina. The mediation tasks are by a separate law transferred to the association of mediators by the procedure set forth in that law. Parties to an individual procedure jointly select a mediator from the list of mediators established by the association of mediators.
The Law on mediation procedure determines the requirements for conducting the mediation as follows.
The mediator may be a person meeting general requirements for employment.
In addition, the mediator must meet the following requirements:
a) a university degree,
b) completed training in mediation according to the program of the association or according to another training programs recognized by the association,
c) entry into the registry of mediators held by the association.
The mediator will submit proof of payment of the registration fee to the Association of Mediators. The person who is successful in completing the training program for mediators shall be issued an appropriate certificate serving as a basis for entry into the registry of mediators in Bosnia and Herzegovina.

Q257-1 (General Comment): The mediator may be a person meeting general requirements for employment.
In addition, the mediator must meet the following requirements:
a) a university degree,
b) completed training in mediation according to the program of the association or according to another training programs recognized by the association,
c) entry into the registry of mediators held by the association.
The mediator will submit proof of payment of the registration fee to the Association of Mediators. The person who is successful in completing the training program for mediators shall be issued an appropriate certificate serving as a basis for entry into the registry of mediators in Bosnia and Herzegovina.

Q258 (General Comment): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2023 compared to 2022.
This difference is not large in terms of percentage, thus it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.
Q258 (2024): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations.
Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2024 compared to 2023. Although this difference is large in terms of percentage, in reality it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.
Q258 (2023): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2023 compared to 2022. Although this difference is large in terms of percentage, in reality it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.
Q258 (2022): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2022 compared to 2021. Although this difference is large in terms of percentage, in reality it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.

Q258 (2021): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations.
Q258 (2019): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. The number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.
Q259 (General Comment): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.
Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).
As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation.
Q259 (2019): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.
Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).
As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation.

Montenegro
Q253 (General Comment): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.
2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in
Q254 (2023): in accordance with new Law on ADR and Amendments to the CPC.
Q254 (2022): As explained in question 253, in accordance with new Lan on ADR and Amendments to the CPC.
Q256 (General Comment): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators

Q256 (2024): In the case of mediation in divorce disputes and other disputes related to family relations according to the law regulating family relations, as well as in the disputes where Montenegro is the defendant, the costs shall be covered from the budget of Montenegro.
In the disputes where the defendant is the Capital, Historic Capital or a municipality the costs referred to the mediation shall be covered from the budget od the Capital, Capital or a municipality.

Q257 (General Comment): Licensing of mediators is prescribed by the Law on ADR in articles 39 and 41. In order to receive a licence to be a mediators, a person has to hold Montenegrin nationality or nationality of a Member State of the European Union; VII1 level of educational qualification; general health capacity; minimum five years of work experience in the jobs where the VII1 level of education qualification is required; completed a basic training programme for mediators. In addition to these requirements the license should be granted to the person who has not been convicted of any offence which makes him unworthy of conducting mediation; has not been imposed security measure which involved prohibition to take up occupation, perform activity or duty; against whom no criminal proceedings are conducted for the criminal offence for which prosecution is initiated ex officio The person who meets above mentioned requirements shall be granted operating licence for mediator, which is issued by the Ministry for a five-year period and it may be extended by the same period in accordance with the Law on ADR.
Q257 (2024): Female mediators are majority
Q257 (2023): Female mediators are majority
Q257 (2022): new mediators accredited in the meantime
Q257 (2021): Number of mediators was not changed in 2021 in relation to 2020, but in 2021 32 candidates for mediators went through the basic training for mediators and they were accredited by the Ministry of Justice, Human and Minority Rights in the beginning of 2022.
Q258 (2024): Note: some of data not available comparing to previous cycle due to changed methodology for annual report for 2024 of the Centre for alternative disputes. Civil and commercial cases include also low value disputes, law suites against state and municipalities, insurance disputes, property related disputes etc.
For court related mediations we only have a number of total initiated in 2024 which is 907
NOTE: decrease of cases of mediation for 2024 comparing to 2023 is due to the fact that high number of claims on 8 January 2024 became statute-barred in accordance to the law.
Q258 (2023): The total number of proposed mediations to the Center for Alternative Dispute Resolution in 2023 was 20960 out of which 11784 cases were ongoing.1528 cases were those that was sent by court for mediation. The Law provides conditions when mediation is obligatory before going to court and when the court refers parties to mediation. That is why statistics on agreement of parties is not available as precise. In comparison to the year 2022 there were 30 percent more settlement agreements.
Q258 (2022): Report on the work of the ADR Centre;
Also, the total number of received requests for mediation in 2022 is 10773. At the end of 2022 there were 2625 cases are pending.
Q258 (2021): Regarding the increase in the number of mediations civil and commercial cases we have to say that this was mainly caused by the new solutions foreseen in the Law on ADR and the Law on Civil Procedure. When it comes to the labour cases, decrease happened due to the fact that in 2020 there was a great number of cases, on the same basis, related to the same Responding party. In general, statistics does not depend only on the interests of the parties and legal solutions, but also on the fact that some types of disputes appear and are characteristic for a reporting year, and do not appear in the next year.

Q259 (2024): Early Neutral Assessment of a dispute is the procedure where, on the basis of the parties' agreement, a dispute evaluator gives his assessment of the facts and law elements of their dispute.
Arbitration is regulated by the Law on Arbitration.
There is also peaceful resolution of conflicts in the area of labour etc
Q259 (2023): Early Neutral Assessment of a dispute is the procedure where, on the basis of the parties' agreement, a dispute evaluator gives his assessment of the facts and law elements of their dispute.
Arbitration is regulated by the Law on Arbitration.
There is also peaceful resolution of conflicts in the area of labour etc.
Q259 (2022): Early Neutral Assessment of a dispute is the procedure where, on the basis of the parties' agreement, a dispute evaluator gives his assessment of the facts and law elements of their dispute.
Arbitration is regulated by the Law on Arbitration.
There is also peaceful resolution of conflicts in the area of labour etc.

North Macedonia
Q252 (2021): According to the Law on Civil Procedure, in the small commercial cases up to 15.000 Euro.
Q253 (General Comment): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .
According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.
Q253 (2024): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .
According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.
Q253 (2023): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .
According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.
Q253 (2021): There is mandatory mediation for the small commercial cases up to 15.000 Euro.
According to the Law on Civil Procedure, the parties (in the commercial disputes up to 1.000.000,00 denars) are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court. Also, according to this law, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.
Q256 (General Comment): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.
Q256 (2021): An exception of this is prescribed in the Article 85 of the Law on Juvenile justice - all the expenses for mediation for children in criminal procedures are covered from the State Budget.

Q257 (General Comment): A licensed mediator can become a person with faculty education and 3 years of work experience after graduation, with passed psychological test and integrity test, who attended 70 hours of accredited training, passed the exam before the Mediation Board, and obtained a license from the Mediation Board. VII. MEDIATOR Conditions for mediator and mediation Article 46 (1) A mediator may be a legally capable natural person who has a license to perform mediation activities (hereinafter: license for mediator). (2) A license for mediator shall be issued to the person who will pass the exam for checking the theoretical knowledge and practical skills of mediation (hereinafter: exam for mediators) before the Board for ensuring, monitoring and evaluating the quality of mediation activities (hereinafter: the Board) will present a concluded contract for liability insurance in accordance with Article 24 paragraph (4) of this Law. (3) The issued license is valid for five years and it can be extended or revoked depending on the results of the evaluation of the quality of the mediator. (4) The evaluation of the quality of the work of the mediators shall be performed by the Board at least once in five years in accordance with the methodology and the procedure for performing monitoring and evaluation of the quality of the work of the mediators. (5) The form and the content of the license for mediator shall be prescribed by the Minister of Justice. Exam for mediators Article 47 (1) The exam for mediator can be taken by the persons who have submitted an application for taking the exam to the Board together with a proof for: a) completed Faculty education VII / I or 300 credits according to the European Credit Transfer System (ECTS) in the Republic of North Macedonia or a decision for recognition of an appropriate higher education qualification acquired abroad issued by the Ministry of Education and Science; b) completed training according to an accredited training program for mediators of at least 70 hours in the Republic of North Macedonia, i.e abroad, or a decision for recognition of appropriate training completed abroad adopted by the Board; c) at least three years of work experience after graduation; d) followed by at least four mediation procedures conducted by a mediator for which a certificate was issued by a mediator supported together with an excerpt from the Register of Mediation Procedures for the respective procedures; e) conducted psychological test and integrity test issued by a licensed professional; f) certificate of citizenship of the Republic of North Macedonia and g) at least five recommendations from persons who know the applicant professionally.
Q258 (General Comment): Source is the Register for recording on mediation procedures that is under authority of the Ministry of justice.
According to our Law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.

Q258 (2022): Register for recording on mediation procedures that is under authority of the Ministry of justice.
Q258 (2021): From 2020 the Ministry of Justice maintains a Register of mediation proceedings, in which the mediators are obliged to record the mediations. The number of court related mediations (in 2021) is from the Register (on March 3, 2022). Still, there is possibility this data to be changed as the mediators fulfill the Register.
According to our Law on mediation, mediation is allowed in property and legal disputes, family disputes, workplace disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.
The electronic register in which the mediators themselves enter the data is one of the key factors that led to the stimulation of the mediators to record all the procedures that were given to them to act. As of December 31, 2021, they were given the opportunity to import all old cases from 2016 to 2021 in order to gain a realistic picture of the number of mediations they had at work. At the same time, the determination of the Government determined by the Conclusion of 2019 and the Memorandum of Cooperation with the Chamber of Mediators to try to resolve its disputes through mediation gave a great impetus. Procedures for mediation in

Q259 (General Comment): Arbitration
The arbitration is also available in the legal provisions , as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber , the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation
There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.
The court settlement
The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.
- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor and the defendant to be sent to mediation, if it is agreed by both parties, whilst the settlement reached in front of a mediator shall be submitted to the court, who
Q259 (2021): Arbitration
The arbitration is also available in the legal provisions, as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber, the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros.
Conciliation
There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.
The court settlement
The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered as res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.
- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor

Serbia

ON CIVIL PROCEDURE
("Official Gazette of RS", no. 72/2011, 49/2013 - US decision, 74/2013 - US decision, 55/2014, 87/2018, 18/2020 and 10/2023 - other laws) provides that the court shall direct the parties to mediation or to an informative hearing for mediation, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be conducted by means of mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The mediation procedure is to be implemented in accordance with a special law. If the parties do not resolve the dispute through mediation, the court will schedule a hearing for the trial upon the expiry of 30 days from the day when a party informs the court that it has withdrawn from the mediation (Article 341). In accordance with Article 9 Paragraph 2 of the Law on Mediation in Dispute Resolution ("Official Gazette of RS" no. 55/2014), the court is obliged to provide all necessary information to the parties in the dispute about the possibilities of mediation, which can also be done by referring the parties to the mediator.

Having in mind the existing legal framework as well as the applicable best practice for the development of court-annexed / court-connected mediation, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly issued the Guidelines for the Improvement of Mediation in the Republic of Serbia on 28 June 2017, https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php. The Guidelines provide that the courts should, in the early phases of proceedings, resolve disputes by referring the parties to mediation or by encouraging them to reach a court settlement, to alleviate the burden on the court and allow for more efficient procedure in other cases where amicable resolution is not possible. They provide that Info-Services should be established for the Support of Alternative Dispute Resolution Methods within all basic, higher and commercial courts as well as mediation Info-Desks and active cooperation with external partners of the court, i.e. providers of mediation services should be encouraged based on signed protocols of cooperation. Likewise, in order to promote court-related mediation, it is provided that Mediation Weeks should be organised around the 25 October, i.e. marking the European Day of Justice.

The basic procedural framework for court-related mediation also encompasses the Criminal Procedure Code ("Official Gazette of RS", no 72/2011 and 101/2011), and the Law on Civil Procedure ("Official Gazette of RS", no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014). Other laws, such as the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles ("Official Gazette of RS", no. 85/2005), Law on Prohibition of Discrimination ("Official Gazette of RS", no. 22/2009), Law on Bankruptcy Procedure ("Official Gazette of RS", no. 104/2009, 99/2011 – other law, 71/2012 – Decision of CC and 83/2014), Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010), Law on the Protection of Whistle Blowers ("Official Gazette of RS", no. 128/2014), etc. also contain specific provisions on mediation.

Judges can only perform mediation outside of working hours and free of charge.

A judge who acts in the case concerning the disputed relationship cannot be a mediator. However, such a judge can assist the parties to reach an amicable solution in

Q253 (General Comment): The Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010) provides that an employee who considers to be subjected to harassment at work („mobbed") by a person other than the employer themselves, director or other responsible person within the company can submit directly to the director/employer a reasoned application for initiation of proceedings for protection from harassment. The employer is then obliged under the law to propose to the parties in the dispute within three days upon receipt of the application mediation as a resolution of the dispute. Mediation proceedings in these cases are urgent. The mediation proceeding is considered terminated within eight working days after the date of the determination or choice of the mediator: 1) By signing of a written agreement between the disputed parties; 2) By a decision of the mediator, after consultation with the parties, to terminate the proceedings because further proceedings are not justified; 3) By a withdrawal statement of a disputed party from further proceedings. Due to justified reasons, the deadline for the completion of the mediation process can be extended to a maximum of 30 days from the date of determination or choice of the mediator. Also, a mandatory attempt at peaceful dispute resolution before initiating civil proceedings is prescribed in some Serbian laws (but not mediation per se). The Law on Compulsory Traffic Insurance ("Official Gazette RS", no. 51/2009, 78/2011, 101/2011, 93/2012 and 7/2013 – CC decision) provides that a person entitled to a claim under third party motor liability insurance must file the claim directly to the insurance company - if the contract provides for this possibility and if this is in accordance with the business policy of the insurance company. In case the insurance company fails to submit a reasoned offer of compensation for damages within 90 days from the date of claim receipt, or in case the insurance company fails to pay the small claim within the deadline, the claimant may file a lawsuit against the company and notify the National Bank of Serbia of such proceedings. Therefore, in this specific situation, the lawsuit is considered to be filed prematurely, unless the claimant previously addresses the insurance company in an attempt at out-of-court settlement.
Further, under the provisions of the Criminal Procedure Code a person who intends to file a lawsuit for compensation for unlawful deprivation of liberty, or wrongful conviction, before the filing of the complaint, shall submit a request to the Ministry of Justice in order to agree on the existence of damage, the type and amount of compensation (Article 588, Paragraph 1 of the CPC). A Commission shall decide on the request, whose composition and method of work is regulated by the Minister of Justice (Article 588, Paragraph 2 of the CPC). A member of the Commission is also a Deputy SA. If the request is not granted or the Commission does not decide on the request within three months, a lawsuit may be filed against the Republic of Serbia (Article 589, Paragraph 1 of the CPC). If agreement is reached partially, related to the claim, the lawsuit may request the remaining part (Article 589, paragraph 2 of the CPC). During the duration of the procedure for reaching agreement, the statute of limitation is not running for the right to compensation under Article 591 (Article 589, paragraph 3 of the CPA). The work and results of these commissions show that the way settlement procedure is devised should be fundamentally revised.

Q253 (2021): Exceptions when mediation is mandatory - Please see the general comments section:
If the responsible person in the legal entity is not charged with abuse, ie the employer with the status of a natural person, the employee who considers that he is exposed to abuse submits a reasoned request to initiate proceedings for protection against abuse directly to that person. There is a certain obligation in consumer disputes. There is an obligation for the trader in consumer disputes if the consumer initiates an out-of-court dispute resolution procedure which is by its nature mediation (Article 151 of the Law on Consumer Protection). Initiation and conduct of out-of-court settlement of consumer disputes does not exclude or affect the right to judicial protection, in accordance with the law.- Article 168
Q254 (General Comment): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation.

Q255 (General Comment): Family law provides that upon being served the action for annulment or divorce of marriage, the court shall schedule a hearing for conciliation/settlement, which is held only before a sole judge. The judge is under the obligation to recommend the spouses to undergo psycho-social counselling and will at the proposal of the spouses or with their consent entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations (Article 232). The Law on Social Protection ("Official Gazette of the Republic of Serbia" No.24/2011) also provides mediation as a community based social service falling in the counselling-therapeutic and social-educational group of services, also irrespective of court proceedings (in Centers for Social Work of local municipalities). The procedural legal framework has been adopted in order to allow for certain elements of mediation in penal matters. Namely, pursuant to Article 505 of the Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), before scheduling a trial in connection with criminal offences which are prosecutable by private prosecution, the judge shall summon the private prosecutor and the defendant to the court on a certain date to be informed about the possibility of being referred to a mediation procedure. The Criminal Code ("Official Gazette of RS", Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016)) also provides a possibility of settlement between the offender and the victim (Article 59). Namely, the court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his/her obligations from an agreement reached with the victim. Therefore, according to previously mentioned provisions, in these matters the only eligible public authority is the court)which can be explained by the very nature of the proceedings).
The Law on Consumer Protection ("Official Gazette of RS", no. 62/2014, 6/2016 and 44/2018) provides two manners of out-court settlement of consumer disputes: mediation (in accordance with the law that regulates mediation in Serbia) and arbitration. Parties in the consumer dispute may assign the resolution of the consumer dispute to one or more mediators chosen from the list of mediators, in accordance with the Law on Mediation.

Q255 (2021): Nota bene: In criminal cases with mediation only refers to property claims and claims for damages.
Q256 (General Comment): In order to promote mediation, mediators have since 2016 provided mediation services in courts pro bono. Likewise, a judge cannot charge fees for conducting mediation.
The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by exempting them from paying all relevant court fees if they achieve a settlement by the time of the first hearing. Regarding general exemption from court fees please see comment to Q17.
Under the Free Legal Aid Law (2018) applicable from 2019, expenses of mediators, lawyers, etc. are a form of secondary legal aid and may be financed from the budget of the Republic of Serbia, pursuant to the provisions of the FLA Law.
Q256 (2021): Free legal aid is given by 57 registered mediators

Q257-1 (General Comment): The conditions stipulated by the law for the performance of mediation activities are: legal capacity, citizenship of the Republic of Serbia, completed basic training, higher education, that the person has not been sentenced to an unconditional prison sentence for a criminal offense that makes him unfit to perform mediation activities, possession of a mediation license and enrollment in the Register of Mediators. The request is submitted to the Ministry of Justice, which issues licenses for mediation to persons who meet the conditions and registers them in the Registry of Mediators.

Q258 (2024): The number of commercial, consumer and other cases has significantly increased compared to the previous cycle due to the fact that the Body for out-of-court settlement of consumer disputes was established at the Ministry of Trade, Tourism and Telecommunications. During the establishment of the Body, most of the mediators who were registered in the Register of mediators in the resolution of disputes, which is maintained by the Ministry of Justice, were also registered in the List of bodies for outof- court settlement of consumer disputes compiled and publicly published by the Ministry of Trade, Tourism and Telecommunications, thereby increasing the number of completed mediations related to commercial and consumer disputes.
Q258 (2023): The number of commercial, consumer and other cases has significantly increased compared to the previous cycle due to the fact that the Body for out-of-court settlement of consumer disputes was established at the Ministry of Trade, Tourism and Telecommunications. During the establishment of the Body, most of the mediators who were registered in the Register of mediators in the resolution of disputes, which is maintained by the Ministry of Justice, were also registered in the List of bodies for out-of-court settlement of consumer disputes compiled and publicly published by the Ministry of Trade, Tourism and Telecommunications, thereby increasing the number of completed mediations related to commercial and consumer disputes.
Q258 (2021): Annual report submitted by mediators to the Ministry of Justice
Q259 (General Comment): Various alternative dispute resolution methods stand at parties' disposal within the legal framework of Serbia, including mediation (judicial and non-judicial), conciliation and arbitration. To date, however, they are all underutilized. Nonetheless, in the last two years, a steady increase of mediation proceedings has been noted, followed by a strong support of mediation by the Ministry of Justice and Supreme Court of Cassation, and positive activities are noted in the field of arbitration, with the establishment of a new independent arbitration centre. Still, coordinated, joint, continued multi-annual efforts must be made to establish a viable and sustainable alternative dispute resolution system.
Having the above in mind, a strategic approach to improving the use of mediation has been initiated in August 2018, whereby the Ministry of Justice, recognising that increasing and improving mediation culture and mechanisms is not a task to be dealt with only by the judiciary and its respective Ministry, is addressing other line ministries and institutions, such as the National Bank of Serbia, Ministry of Trade and Ministry of Labour, so as to seek to together find best ways to improve the use and quality of mediation in the fields of their respective competences, and in that way, jointly to successfully answer to the benchmark given in that respect within Chapter 23.

Kosovo*

Q252 (General Comment): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure.
The procedure for referral of cases by the court is regulated by a sub legal act of the Kosovo Judicial Council, procedure for referral of cases by the prosecution is regulated by a sub legal act of the Kosovo Prosecutorial Council, and the self-initiated procedure of
cases, as well as cases of referral by the administrative body are regulated by a sub legal act of the Ministry of Justice. Based on the Law on Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, is
Q253 (2024): Mandatory Mediation – refers to the mediation procedure initiated by the competent judge, who obliges the parties to attempt mediation as prescribed by this law.
Based on Article 9, paragraphs 1 and 2 of the Law on Mediation:
When the parties file a lawsuit in court regarding disputes arising from family relations, such as cases related to alimony, custody, visitation rights, child maintenance, and the division of marital property, the judge, during the preparatory session and after the preliminary review of the lawsuit, must inform and oblige the parties to undergo mediation.
When the parties file a lawsuit in court regarding property disputes involving rights and obligations related to servitude rights and compensation for expropriated property, the judge, during the preparatory session and after the preliminary review of the lawsuit, is required to inform and guide the parties toward the mediation procedure.

Q253 (2023): Article 9, https://gzk.rks-gov.net/ActDetail.aspx?ActID=2592
Law on Mediation:
Article 9
Mandatory mediation
1. When parties submit a statement of claim before the court, regarding disputes deriving from family relations such as alimony, custody, visits, child support and division of marital property, the judge in the preliminary hearing, after the preliminary review of the indictment, must inform and oblige the parties to mediation procedure.
2. When parties file a statement of claim before a court regarding ownership contests related to rights and obligations deriving from the rights of servitudes and compensation of expropriated properties, the judge in the preliminary hearing, after the preliminary review, is obliged to inform and direct parties to mediation procedure.
3. Under such circumstances, the parties shall meet with a mediator, and will have thirty (30) days to try the commencement of mediation, starting from the day when the judge obliges the parties to try mediation.
4. Parties may chose not to continue with the mediation procedure and they can return to judicial proceedings, not longer than thirty (30) days.
5. Prior to returning the case in judicial proceedings, parties must provide a written evidence, signed by the parties and the mediator, proving that parties have tried mediation procedure.
6. Mandatory mediation does not deprive parties of their right to appear before the court, or employ arbitration procedure, and if no agreement is reached in the mediation procedure, the case shall be sent again to court or arbitration.
7. Parties are not obliged to reach an agreement through mediation against their free will.
8. Additional time limits for mediation are in accordance with Article 16 of this Law.

Q253 (2022): Law on Mediation:
Article 9
Mandatory mediation
1. When parties submit a statement of claim before the court, regarding disputes deriving from family relations such as alimony, custody, visits, child support and division of marital property, the judge in the preliminary hearing, after the preliminary review of the indictment, must inform and oblige the parties to mediation procedure.
2. When parties file a statement of claim before a court regarding ownership contests related to rights and obligations deriving from the rights of servitudes and compensation of expropriated properties, the judge in the preliminary hearing, after the preliminary review, is obliged to inform and direct parties to mediation procedure.
3. Under such circumstances, the parties shall meet with a mediator, and will have thirty (30) days to try the commencement of mediation, starting from the day when the judge obliges the parties to try mediation.
4. Parties may chose not to continue with the mediation procedure and they can return to judicial proceedings, not longer than thirty (30) days.
5. Prior to returning the case in judicial proceedings, parties must provide a written evidence, signed by the parties and the mediator, proving that parties have tried mediation procedure.
6. Mandatory mediation does not deprive parties of their right to appear before the court, or employ arbitration procedure, and if no agreement is reached in the mediation procedure, the case shall be sent again to court or arbitration.
7. Parties are not obliged to reach an agreement through mediation against their free will.
8. Additional time limits for mediation are in accordance with Article 16 of this Law.
Q254 (2024): These sessions are not called informational sessions. However, in the cases mentioned above regarding comments on mandatory mediation, specifically in the respective fields, the parties are informed during the preparatory session and after the preliminary review of the lawsuit/claim.
Q254 (2022): Mandatory mediation - refers to the mediation procedure initiated by the competent judge who obliges the parties to try the mediation procedure, as provided by this law;
Q255 (2022): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body, in accordance with the applicable legislation.
If the case is before the court, the parties agree to undergo mediation, then the judge shall inform and instruct parties to the mediation procedure.
Based on the Law On Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, shall be accepted.
Q256 (General Comment): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

Q256 (2024): Cases involving social assistance, poor families, and pensioners often cannot afford mediation services, and unfortunately, the burden falls on mediators who are often forced to mediate pro bono, as neither the judicial nor the prosecutorial council covers these cases. Until now, there is no mechanism that
Q256 (2023): As per the Administrative Instruction On Mediators Fee In The Republic Of Kosovo, for the provision of mediation services, for cases referred by court and prosecution office, the parties in the mediation procedure shall not bear any cost, except the costs for experts, translators, lawyers and other costs related to the provision of necessary evidence, if they exist and are necessary.
The mediation procedure for juveniles is charge free for the parties. The costs of the mediation procedure, including payment of the mediator, whilst in cases when the mediator is appointed by the State Prosecutor for juveniles, the costs of the procedure shall be paid from the budget of Kosovo Prosecutorial Council.
Whereas mediation fee for self-initiated case, parties are obliged to pay the fee as per the law on mediation.
Q256 (2022): As per the Administrative Instruction On Mediators Fee In The Republic Of Kosovo, for the provision of mediation services, for cases referred by court and prosecution office, the parties in the mediation procedure shall not bear any cost, except the costs for experts, translators, lawyers and other costs related to the provision of necessary evidence, if they exist and are necessary.
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Whereas mediation fee for self-initiated case, parties are obliged to pay the fee as per the law on mediation.

Q257 (2023): https://md.rks-gov.net/page.aspx?id=1,41
Q258 (2024): Kosovo Mediation Association data: 7,824 mediation cases were resolved in all basic courts of Kosovo.
2,155 mediation cases were resolved in all basic prosecutor's offices of Kosovo.
4,106 mediation cases were resolved by the parties' consent (outside the courts and prosecutors).
However, statistics are lacking regarding the nature of the cases resolved.
Q258 (2022): As for your information, there is still no division of cases (specified) as you have foreseen (requested the data in the above table no. 258)
Q259 (General Comment): Yes, arbitration, mediation and conciliation exist in our country.

Indicator 9- Alternative Dispute Resolution

by question No.

Question 252. Does the judicial system provide for court-related mediation procedures?
Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?
Question 254. In some fields, does the legal system provide for mandatory informative sessions with a mediator?
Question 255. Please specify, by type of cases, who provides court-related mediation services:
Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?
Question 257. Number of accredited or registered mediators for court-related mediation:
Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?
Question 258. Number of court-related mediations:
Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Question 252

Bosnia and Herzegovina
(General Comment): The civil and criminal procedure codes foresee court-related mediation procedures.
Civil proceedings:
At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.
Criminal proceedings:
The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In les complex juvenile cases involving issuing educational recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

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At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.
Criminal proceedings:
The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In les complex juvenile cases involving issuing educational recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

North Macedonia
(2021): According to the Law on Civil Procedure, in the small commercial cases up to 15.000 Euro.

Serbia

ON CIVIL PROCEDURE
("Official Gazette of RS", no. 72/2011, 49/2013 - US decision, 74/2013 - US decision, 55/2014, 87/2018, 18/2020 and 10/2023 - other laws) provides that the court shall direct the parties to mediation or to an informative hearing for mediation, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be conducted by means of mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The mediation procedure is to be implemented in accordance with a special law. If the parties do not resolve the dispute through mediation, the court will schedule a hearing for the trial upon the expiry of 30 days from the day when a party informs the court that it has withdrawn from the mediation (Article 341). In accordance with Article 9 Paragraph 2 of the Law on Mediation in Dispute Resolution ("Official Gazette of RS" no. 55/2014), the court is obliged to provide all necessary information to the parties in the dispute about the possibilities of mediation, which can also be done by referring the parties to the mediator.
Having in mind the existing legal framework as well as the applicable best practice for the development of court-annexed / court-connected mediation, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly issued the Guidelines for the Improvement of Mediation in the Republic of Serbia on 28 June 2017, https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php. The Guidelines provide that the courts should, in the early phases of proceedings, resolve disputes by referring the parties to mediation or by encouraging them to reach a court settlement, to alleviate the burden on the court and allow for more efficient procedure in other cases where amicable resolution is not possible. They provide that Info-Services should be established for the Support of Alternative Dispute Resolution Methods within all basic, higher and commercial courts as well as mediation Info-Desks and active cooperation with external partners of the court, i.e. providers of mediation services should be encouraged based on signed protocols of cooperation. Likewise, in order to promote court-related mediation, it is provided that Mediation Weeks should be organised around the 25 October, i.e. marking the European Day of Justice.
The basic procedural framework for court-related mediation also encompasses the Criminal Procedure Code ("Official Gazette of RS", no 72/2011 and 101/2011), and the Law on Civil Procedure ("Official Gazette of RS", no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014). Other laws, such as the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles ("Official Gazette of RS", no. 85/2005), Law on Prohibition of Discrimination ("Official Gazette of RS", no. 22/2009), Law on Bankruptcy Procedure ("Official Gazette of RS", no. 104/2009, 99/2011 – other law, 71/2012 – Decision of CC and 83/2014), Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010), Law on the Protection of Whistle Blowers ("Official Gazette of RS", no. 128/2014), etc. also contain specific provisions on mediation.
Judges can only perform mediation outside of working hours and free of charge.
A judge who acts in the case concerning the disputed relationship cannot be a mediator. However, such a judge can assist the parties to reach an amicable solution in

Kosovo*

(General Comment): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure.
The procedure for referral of cases by the court is regulated by a sub legal act of the Kosovo Judicial Council, procedure for referral of cases by the prosecution is regulated by a sub legal act of the Kosovo Prosecutorial Council, and the self-initiated procedure of
cases, as well as cases of referral by the administrative body are regulated by a sub legal act of the Ministry of Justice. Based on the Law on Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, is

Question 253

Albania
(General Comment): NA

(2024): No, in Albanian Law of Medition it is not mandatory but volunteer

Montenegro
(General Comment): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.
2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in

North Macedonia
(General Comment): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .
According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

(2024): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .
According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

(2023): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .
According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

(2021): There is mandatory mediation for the small commercial cases up to 15.000 Euro.
According to the Law on Civil Procedure, the parties (in the commercial disputes up to 1.000.000,00 denars) are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court. Also, according to this law, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

Serbia

(General Comment): The Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010) provides that an employee who considers to be subjected to harassment at work („mobbed") by a person other than the employer themselves, director or other responsible person within the company can submit directly to the director/employer a reasoned application for initiation of proceedings for protection from harassment. The employer is then obliged under the law to propose to the parties in the dispute within three days upon receipt of the application mediation as a resolution of the dispute. Mediation proceedings in these cases are urgent. The mediation proceeding is considered terminated within eight working days after the date of the determination or choice of the mediator: 1) By signing of a written agreement between the disputed parties; 2) By a decision of the mediator, after consultation with the parties, to terminate the proceedings because further proceedings are not justified; 3) By a withdrawal statement of a disputed party from further proceedings. Due to justified reasons, the deadline for the completion of the mediation process can be extended to a maximum of 30 days from the date of determination or choice of the mediator. Also, a mandatory attempt at peaceful dispute resolution before initiating civil proceedings is prescribed in some Serbian laws (but not mediation per se). The Law on Compulsory Traffic Insurance ("Official Gazette RS", no. 51/2009, 78/2011, 101/2011, 93/2012 and 7/2013 – CC decision) provides that a person entitled to a claim under third party motor liability insurance must file the claim directly to the insurance company - if the contract provides for this possibility and if this is in accordance with the business policy of the insurance company. In case the insurance company fails to submit a reasoned offer of compensation for damages within 90 days from the date of claim receipt, or in case the insurance company fails to pay the small claim within the deadline, the claimant may file a lawsuit against the company and notify the National Bank of Serbia of such proceedings. Therefore, in this specific situation, the lawsuit is considered to be filed prematurely, unless the claimant previously addresses the insurance company in an attempt at out-of-court settlement.
Further, under the provisions of the Criminal Procedure Code a person who intends to file a lawsuit for compensation for unlawful deprivation of liberty, or wrongful conviction, before the filing of the complaint, shall submit a request to the Ministry of Justice in order to agree on the existence of damage, the type and amount of compensation (Article 588, Paragraph 1 of the CPC). A Commission shall decide on the request, whose composition and method of work is regulated by the Minister of Justice (Article 588, Paragraph 2 of the CPC). A member of the Commission is also a Deputy SA. If the request is not granted or the Commission does not decide on the request within three months, a lawsuit may be filed against the Republic of Serbia (Article 589, Paragraph 1 of the CPC). If agreement is reached partially, related to the claim, the lawsuit may request the remaining part (Article 589, paragraph 2 of the CPC). During the duration of the procedure for reaching agreement, the statute of limitation is not running for the right to compensation under Article 591 (Article 589, paragraph 3 of the CPA). The work and results of these commissions show that the way settlement procedure is devised should be fundamentally revised.

(2021): Exceptions when mediation is mandatory - Please see the general comments section:
If the responsible person in the legal entity is not charged with abuse, ie the employer with the status of a natural person, the employee who considers that he is exposed to abuse submits a reasoned request to initiate proceedings for protection against abuse directly to that person. There is a certain obligation in consumer disputes. There is an obligation for the trader in consumer disputes if the consumer initiates an out-of-court dispute resolution procedure which is by its nature mediation (Article 151 of the Law on Consumer Protection). Initiation and conduct of out-of-court settlement of consumer disputes does not exclude or affect the right to judicial protection, in accordance with the law.- Article 168

Kosovo*

(2024): Mandatory Mediation – refers to the mediation procedure initiated by the competent judge, who obliges the parties to attempt mediation as prescribed by this law.
Based on Article 9, paragraphs 1 and 2 of the Law on Mediation:
When the parties file a lawsuit in court regarding disputes arising from family relations, such as cases related to alimony, custody, visitation rights, child maintenance, and the division of marital property, the judge, during the preparatory session and after the preliminary review of the lawsuit, must inform and oblige the parties to undergo mediation.
When the parties file a lawsuit in court regarding property disputes involving rights and obligations related to servitude rights and compensation for expropriated property, the judge, during the preparatory session and after the preliminary review of the lawsuit, is required to inform and guide the parties toward the mediation procedure.

(2023): Article 9, https://gzk.rks-gov.net/ActDetail.aspx?ActID=2592
Law on Mediation:
Article 9
Mandatory mediation
1. When parties submit a statement of claim before the court, regarding disputes deriving from family relations such as alimony, custody, visits, child support and division of marital property, the judge in the preliminary hearing, after the preliminary review of the indictment, must inform and oblige the parties to mediation procedure.
2. When parties file a statement of claim before a court regarding ownership contests related to rights and obligations deriving from the rights of servitudes and compensation of expropriated properties, the judge in the preliminary hearing, after the preliminary review, is obliged to inform and direct parties to mediation procedure.
3. Under such circumstances, the parties shall meet with a mediator, and will have thirty (30) days to try the commencement of mediation, starting from the day when the judge obliges the parties to try mediation.
4. Parties may chose not to continue with the mediation procedure and they can return to judicial proceedings, not longer than thirty (30) days.
5. Prior to returning the case in judicial proceedings, parties must provide a written evidence, signed by the parties and the mediator, proving that parties have tried mediation procedure.
6. Mandatory mediation does not deprive parties of their right to appear before the court, or employ arbitration procedure, and if no agreement is reached in the mediation procedure, the case shall be sent again to court or arbitration.
7. Parties are not obliged to reach an agreement through mediation against their free will.
8. Additional time limits for mediation are in accordance with Article 16 of this Law.

(2022): Law on Mediation:
Article 9
Mandatory mediation
1. When parties submit a statement of claim before the court, regarding disputes deriving from family relations such as alimony, custody, visits, child support and division of marital property, the judge in the preliminary hearing, after the preliminary review of the indictment, must inform and oblige the parties to mediation procedure.
2. When parties file a statement of claim before a court regarding ownership contests related to rights and obligations deriving from the rights of servitudes and compensation of expropriated properties, the judge in the preliminary hearing, after the preliminary review, is obliged to inform and direct parties to mediation procedure.
3. Under such circumstances, the parties shall meet with a mediator, and will have thirty (30) days to try the commencement of mediation, starting from the day when the judge obliges the parties to try mediation.
4. Parties may chose not to continue with the mediation procedure and they can return to judicial proceedings, not longer than thirty (30) days.
5. Prior to returning the case in judicial proceedings, parties must provide a written evidence, signed by the parties and the mediator, proving that parties have tried mediation procedure.
6. Mandatory mediation does not deprive parties of their right to appear before the court, or employ arbitration procedure, and if no agreement is reached in the mediation procedure, the case shall be sent again to court or arbitration.
7. Parties are not obliged to reach an agreement through mediation against their free will.
8. Additional time limits for mediation are in accordance with Article 16 of this Law.

Question 254

Albania
(2024): for informative session have:
In Code of Civil Procedure (Law 38/2017) in article 25, paraghraph 2, 4 and 6 of article 38, in article 75 , spelling dh and article 76

(2021): If there are mandatory informative sessions, please specify which fields are concerned: Civil case, family case, criminal case, work case.

Montenegro

(2023): in accordance with new Law on ADR and Amendments to the CPC.

(2022): As explained in question 253, in accordance with new Lan on ADR and Amendments to the CPC.

Serbia

(General Comment): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation.

Kosovo*

(2024): These sessions are not called informational sessions. However, in the cases mentioned above regarding comments on mandatory mediation, specifically in the respective fields, the parties are informed during the preparatory session and after the preliminary review of the lawsuit/claim.

(2022): Mandatory mediation - refers to the mediation procedure initiated by the competent judge who obliges the parties to try the mediation procedure, as provided by this law;

Question 255

Albania

(General Comment): NA

Law No. 10385, dated 24.02.2011, "On Mediation in Dispute Resolution", along with amendments, regulates mediation procedures and establishes when mediation is encouraged or required.

1. Family Disputes:
   - In cases of divorce, child custody, and parental responsibilities, courts often require parties to attend an informative session with a mediator before proceeding with litigation.
   - Mediation is encouraged in disputes over alimony, property division, and visitation rights.
2. Commercial Disputes:
   - Certain commercial disputes, particularly those related to contractual obligations and business partnerships, may involve mandatory mediation sessions before resorting to court.
3. Labor Disputes:
   - Disputes between employers and employees, such as wrongful termination or discrimination cases, often involve mediation as a first step before court proceedings.
4. Civil Disputes:
   - Some civil cases involving compensation claims, property conflicts, and contractual disagreements may require an informative session about mediation as an alternative to court.
5. Penal Disputes:
   - Some penall cases involving compensation claims, article 59 Code of Penal Procedure are 13 caces and article 284 11 cases , and contractual disagreements may require an informative session about mediation as an alternative to court.

Serbia

(General Comment): Family law provides that upon being served the action for annulment or divorce of marriage, the court shall schedule a hearing for conciliation/settlement, which is held only before a sole judge. The judge is under the obligation to recommend the spouses to undergo psycho-social counselling and will at the proposal of the spouses or with their consent entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations (Article 232). The Law on Social Protection ("Official Gazette of the Republic of Serbia" No.24/2011) also provides mediation as a community based social service falling in the counselling-therapeutic and social-educational group of services, also irrespective of court proceedings (in Centers for Social Work of local municipalities). The procedural legal framework has been adopted in order to allow for certain elements of mediation in penal matters. Namely, pursuant to Article 505 of the Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), before scheduling a trial in connection with criminal offences which are prosecutable by private prosecution, the judge shall summon the private prosecutor and the defendant to the court on a certain date to be informed about the possibility of being referred to a mediation procedure. The Criminal Code ("Official Gazette of RS", Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016)) also provides a possibility of settlement between the offender and the victim (Article 59). Namely, the court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his/her obligations from an agreement reached with the victim. Therefore, according to previously mentioned provisions, in these matters the only eligible public authority is the court)which can be explained by the very nature of the proceedings).
The Law on Consumer Protection ("Official Gazette of RS", no. 62/2014, 6/2016 and 44/2018) provides two manners of out-court settlement of consumer disputes: mediation (in accordance with the law that regulates mediation in Serbia) and arbitration. Parties in the consumer dispute may assign the resolution of the consumer dispute to one or more mediators chosen from the list of mediators, in accordance with the Law on Mediation.

(2021): Nota bene: In criminal cases with mediation only refers to property claims and claims for damages.

Kosovo*

(2022): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body, in accordance with the applicable legislation.
If the case is before the court, the parties agree to undergo mediation, then the judge shall inform and instruct parties to the mediation procedure.
Based on the Law On Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, shall be accepted.

Question 256

Albania

(2023): NA

Bosnia and Herzegovina

(General Comment): The legislation on free legal aid regulates that free legal assistance is available for poor litigants within procedures for peaceful settlement of disputes, including the mediation procedures.

Montenegro

(General Comment): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators

(2024): In the case of mediation in divorce disputes and other disputes related to family relations according to the law regulating family relations, as well as in the disputes where Montenegro is the defendant, the costs shall be covered from the budget of Montenegro.
In the disputes where the defendant is the Capital, Historic Capital or a municipality the costs referred to the mediation shall be covered from the budget od the Capital, Capital or a municipality.

North Macedonia

(General Comment): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.

(2021): An exception of this is prescribed in the Article 85 of the Law on Juvenile justice - all the expenses for mediation for children in criminal procedures are covered from the State Budget.

Serbia

(General Comment): In order to promote mediation, mediators have since 2016 provided mediation services in courts pro bono. Likewise, a judge cannot charge fees for conducting mediation.
The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by exempting them from paying all relevant court fees if they achieve a settlement by the time of the first hearing. Regarding general exemption from court fees please see comment to Q17.
Under the Free Legal Aid Law (2018) applicable from 2019, expenses of mediators, lawyers, etc. are a form of secondary legal aid and may be financed from the budget of the Republic of Serbia, pursuant to the provisions of the FLA Law.

(2021): Free legal aid is given by 57 registered mediators

Kosovo*

(General Comment): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

(2024): Cases involving social assistance, poor families, and pensioners often cannot afford mediation services, and unfortunately, the burden falls on mediators who are often forced to mediate pro bono, as neither the judicial nor the prosecutorial council covers these cases. Until now, there is no mechanism that regulates

(2023): As per the Administrative Instruction On Mediators Fee In The Republic Of Kosovo, for the provision of mediation services, for cases referred by court and prosecution office, the parties in the mediation procedure shall not bear any cost, except the costs for experts, translators, lawyers and other costs related to the provision of necessary evidence, if they exist and are necessary.
The mediation procedure for juveniles is charge free for the parties. The costs of the mediation procedure, including payment of the mediator, whilst in cases when the mediator is appointed by the State Prosecutor for juveniles, the costs of the procedure shall be paid from the budget of Kosovo Prosecutorial Council.
Whereas mediation fee for self-initiated case, parties are obliged to pay the fee as per the law on mediation.

(2022): As per the Administrative Instruction On Mediators Fee In The Republic Of Kosovo, for the provision of mediation services, for cases referred by court and prosecution office, the parties in the mediation procedure shall not bear any cost, except the costs for experts, translators, lawyers and other costs related to the provision of necessary evidence, if they exist and are necessary.
The mediation procedure for juveniles is charge free for the parties. The costs of the mediation procedure, including payment of the mediator, whilst in cases when the mediator is appointed by the State Prosecutor for juveniles, the costs of the procedure shall be paid from the budget of Kosovo Prosecutorial Council.
Whereas mediation fee for self-initiated case, parties are obliged to pay the fee as per the law on mediation.

Question 257

Bosnia and Herzegovina

(General Comment): The Law on mediation procedure governs the mediation procedure on the territory of Bosnia and Herzegovina. The mediation tasks are by a separate law transferred to the association of mediators by the procedure set forth in that law. Parties to an individual procedure jointly select a mediator from the list of mediators established by the association of mediators.
The Law on mediation procedure determines the requirements for conducting the mediation as follows.
The mediator may be a person meeting general requirements for employment.
In addition, the mediator must meet the following requirements:
a) a university degree,
b) completed training in mediation according to the program of the association or according to another training programs recognized by the association,
c) entry into the registry of mediators held by the association.
The mediator will submit proof of payment of the registration fee to the Association of Mediators. The person who is successful in completing the training program for mediators shall be issued an appropriate certificate serving as a basis for entry into the registry of mediators in Bosnia and Herzegovina.

Montenegro

(General Comment): Licensing of mediators is prescribed by the Law on ADR in articles 39 and 41. In order to receive a licence to be a mediators, a person has to hold Montenegrin nationality or nationality of a Member State of the European Union; VII1 level of educational qualification; general health capacity; minimum five years of work experience in the jobs where the VII1 level of education qualification is required; completed a basic training programme for mediators. In addition to these requirements the license should be granted to the person who has not been convicted of any offence which makes him unworthy of conducting mediation; has not been imposed security measure which involved prohibition to take up occupation, perform activity or duty; against whom no criminal proceedings are conducted for the criminal offence for which prosecution is initiated ex officio The person who meets above mentioned requirements shall be granted operating licence for mediator, which is issued by the Ministry for a five-year period and it may be extended by the same period in accordance with the Law on ADR.

(2024): Female mediators are majority

(2023): Female mediators are majority

(2022): new mediators accredited in the meantime

(2021): Number of mediators was not changed in 2021 in relation to 2020, but in 2021 32 candidates for mediators went through the basic training for mediators and they were accredited by the Ministry of Justice, Human and Minority Rights in the beginning of 2022.

North Macedonia

(General Comment): A licensed mediator can become a person with faculty education and 3 years of work experience after graduation, with passed psychological test and integrity test, who attended 70 hours of accredited training, passed the exam before the Mediation Board, and obtained a license from the Mediation Board. VII. MEDIATOR Conditions for mediator and mediation Article 46 (1) A mediator may be a legally capable natural person who has a license to perform mediation activities (hereinafter: license for mediator). (2) A license for mediator shall be issued to the person who will pass the exam for checking the theoretical knowledge and practical skills of mediation (hereinafter: exam for mediators) before the Board for ensuring, monitoring and evaluating the quality of mediation activities (hereinafter: the Board) will present a concluded contract for liability insurance in accordance with Article 24 paragraph (4) of this Law. (3) The issued license is valid for five years and it can be extended or revoked depending on the results of the evaluation of the quality of the mediator. (4) The evaluation of the quality of the work of the mediators shall be performed by the Board at least once in five years in accordance with the methodology and the procedure for performing monitoring and evaluation of the quality of the work of the mediators. (5) The form and the content of the license for mediator shall be prescribed by the Minister of Justice. Exam for mediators Article 47 (1) The exam for mediator can be taken by the persons who have submitted an application for taking the exam to the Board together with a proof for: a) completed Faculty education VII / I or 300 credits according to the European Credit Transfer System (ECTS) in the Republic of North Macedonia or a decision for recognition of an appropriate higher education qualification acquired abroad issued by the Ministry of Education and Science; b) completed training according to an accredited training program for mediators of at least 70 hours in the Republic of North Macedonia, i.e abroad, or a decision for recognition of appropriate training completed abroad adopted by the Board; c) at least three years of work experience after graduation; d) followed by at least four mediation procedures conducted by a mediator for which a certificate was issued by a mediator supported together with an excerpt from the Register of Mediation Procedures for the respective procedures; e) conducted psychological test and integrity test issued by a licensed professional; f) certificate of citizenship of the Republic of North Macedonia and g) at least five recommendations from persons who know the applicant professionally.

Kosovo*

(2023): https://md.rks-gov.net/page.aspx?id=1,41

Question 257-1

Bosnia and Herzegovina

(General Comment): The mediator may be a person meeting general requirements for employment.
In addition, the mediator must meet the following requirements:
a) a university degree,
b) completed training in mediation according to the program of the association or according to another training programs recognized by the association,
c) entry into the registry of mediators held by the association.
The mediator will submit proof of payment of the registration fee to the Association of Mediators. The person who is successful in completing the training program for mediators shall be issued an appropriate certificate serving as a basis for entry into the registry of mediators in Bosnia and Herzegovina.

Serbia

(General Comment): The conditions stipulated by the law for the performance of mediation activities are: legal capacity, citizenship of the Republic of Serbia, completed basic training, higher education, that the person has not been sentenced to an unconditional prison sentence for a criminal offense that makes him unfit to perform mediation activities, possession of a mediation license and enrollment in the Register of Mediators. The request is submitted to the Ministry of Justice, which issues licenses for mediation to persons who meet the conditions and registers them in the Registry of Mediators.

Question 258

Bosnia and Herzegovina

(General Comment): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2023 compared to 2022.
This difference is not large in terms of percentage, thus it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.

(2024): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations.
Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2024 compared to 2023. Although this difference is large in terms of percentage, in reality it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.

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(2021): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations.

(2019): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. The number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.

Montenegro

(2024): Note: some of data not available comparing to previous cycle due to changed methodology for annual report for 2024 of the Centre for alternative disputes.
Civil and commercial cases include also low value disputes, law suites against state and municipalities, insurance disputes, property related disputes etc.
For court related mediations we only have a number of total initiated in 2024 which is 907
NOTE: decrease of cases of mediation for 2024 comparing to 2023 is due to the fact that high number of claims on 8 January 2024 became statute-barred in accordance to the law.

(2023): The total number of proposed mediations to the Center for Alternative Dispute Resolution in 2023 was 20960 out of which 11784 cases were ongoing.1528 cases were those that was sent by court for mediation. The Law provides conditions when mediation is obligatory before going to court and when the court refers parties to mediation. That is why statistics on agreement of parties is not available as precise. In comparison to the year 2022 there were 30 percent more settlement

(2022): Report on the work of the ADR Centre;
Also, the total number of received requests for mediation in 2022 is 10773. At the end of 2022 there were 2625 cases are pending.

(2021): Regarding the increase in the number of mediations civil and commercial cases we have to say that this was mainly caused by the new solutions foreseen in the Law on ADR and the Law on Civil Procedure. When it comes to the labour cases, decrease happened due to the fact that in 2020 there was a great number of cases, on the same basis, related to the same Responding party. In general, statistics does not depend only on the interests of the parties and legal solutions, but also on the fact that some types of disputes appear and are characteristic for a reporting year, and do not appear in the next year.

North Macedonia

(General Comment): Source is the Register for recording on mediation procedures that is under authority of the Ministry of justice.
According to our Law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.

(2022): Register for recording on mediation procedures that is under authority of the Ministry of justice.

of court related mediations (in 2021) is from the Register (on March 3, 2022). Still, there is possibility this data to be changed as the mediators fulfill the Register.
According to our Law on mediation, mediation is allowed in property and legal disputes, family disputes, workplace disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.
The electronic register in which the mediators themselves enter the data is one of the key factors that led to the stimulation of the mediators to record all the procedures that were given to them to act. As of December 31, 2021, they were given the opportunity to import all old cases from 2016 to 2021 in order to gain a realistic picture of the number of mediations they had at work. At the same time, the determination of the Government determined by the Conclusion of 2019 and the Memorandum of Cooperation with the Chamber of Mediators to try to resolve its disputes through mediation gave a great impetus. Procedures for mediation in labor disputes with ministries, public enterprises and other institutions are widespread.

Serbia

(2024): The number of commercial, consumer and other cases has significantly increased compared to the previous cycle due to the fact that the Body for out-of-court settlement of consumer disputes was established at the Ministry of Trade, Tourism and Telecommunications. During the establishment of the Body, most of the mediators who were registered in the Register of mediators in the resolution of disputes, which is maintained by the Ministry of Justice, were also registered in the List of bodies for outof- court settlement of consumer disputes compiled and publicly published by the Ministry of Trade, Tourism and Telecommunications, thereby increasing the number of completed mediations related to commercial and consumer disputes.

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(2021): Annual report submitted by mediators to the Ministry of Justice

Kosovo*

(2024): Kosovo Mediation Association data: 7,824 mediation cases were resolved in all basic courts of Kosovo.
2,155 mediation cases were resolved in all basic prosecutor's offices of Kosovo.
4,106 mediation cases were resolved by the parties' consent (outside the courts and prosecutors).
However, statistics are lacking regarding the nature of the cases resolved.

(2022): As for your information, there is still no division of cases (specified) as you have foreseen (requested the data in the above table no. 258)

Question 259

Albania

(General Comment): NA

(2024): In Albania, under the law of Arbitration (Law no 53 /2023) is crated the Permanent Institution of Arbitration, with Decision of Tirana Court no 1943 date 19.09.2024

Bosnia and Herzegovina

(General Comment): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.
Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).
As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation.

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Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).
As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation.

Montenegro

(2024): Early Neutral Assessment of a dispute is the procedure where, on the basis of the parties' agreement, a dispute evaluator gives his assessment of the facts and law elements of their dispute.
Arbitration is regulated by the Law on Arbitration.
There is also peaceful resolution of conflicts in the area of labour etc

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Arbitration is regulated by the Law on Arbitration.
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Arbitration is regulated by the Law on Arbitration.
There is also peaceful resolution of conflicts in the area of labour etc.

North Macedonia

(General Comment): Arbitration
The arbitration is also available in the legal provisions , as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber , the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation
There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.
The court settlement
The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.
- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor and the defendant to be sent to mediation, if it is agreed by both parties, whilst the settlement reached in front of a mediator shall be submitted to the court, who

(2021): Arbitration
The arbitration is also available in the legal provisions, as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber, the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros.
Conciliation
There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.
The court settlement
The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered as res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.
- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor

Serbia

(General Comment): Various alternative dispute resolution methods stand at parties' disposal within the legal framework of Serbia, including mediation (judicial and non-judicial), conciliation and arbitration. To date, however, they are all underutilized. Nonetheless, in the last two years, a steady increase of mediation proceedings has been noted, followed by a strong support of mediation by the Ministry of Justice and Supreme Court of Cassation, and positive activities are noted in the field of arbitration, with the establishment of a new independent arbitration centre. Still, coordinated, joint, continued multi-annual efforts must be made to establish a viable and sustainable alternative dispute resolution system.
Having the above in mind, a strategic approach to improving the use of mediation has been initiated in August 2018, whereby the Ministry of Justice, recognising that increasing and improving mediation culture and mechanisms is not a task to be dealt with only by the judiciary and its respective Ministry, is addressing other line ministries and institutions, such as the National Bank of Serbia, Ministry of Trade and Ministry of Labour, so as to seek to together find best ways to improve the use and quality of mediation in the fields of their respective competences, and in that way, jointly to successfully answer to the benchmark given in that respect within Chapter 23.

Kosovo*

(General Comment): Yes, arbitration, mediation and conciliation exist in our country.

10. European Convention of Human Rights (ECHR) - Overview

Number of applications, judgements and cases considered as closed at the European Court of Human Rights in 2024 (Tables 10.1.3 and 10.1.4)

Beneficiaries	Applications allocated to a judicial formation		Number of judgments finding at least one violation of the ECHR		Number of cases considered as closed	
	2024	% Variation 2023 - 2024	2024	% Variation 2023 - 2024	2024	% Variation 2023 - 2024
Albania	156	17,3%	18	-10,0%	16	300,0%
Bosnia and Herzegovina	81	-67,3%	2	0,0%	5	-64,3%
Montenegro	133	-23,1%	9	900,0%	1	-85,7%
North Macedonia	328	-2,1%	10	0,0%	18	12,5%
Serbia	1 118	-26,5%	11	22,2%	72	-25,0%
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP
WB Average	363	-20,4%	10	182,4%	22	27,5%

Figure 10.1 Applications allocated to an ECHR judicial formation in 2024 and % variation between 2023 and 2024

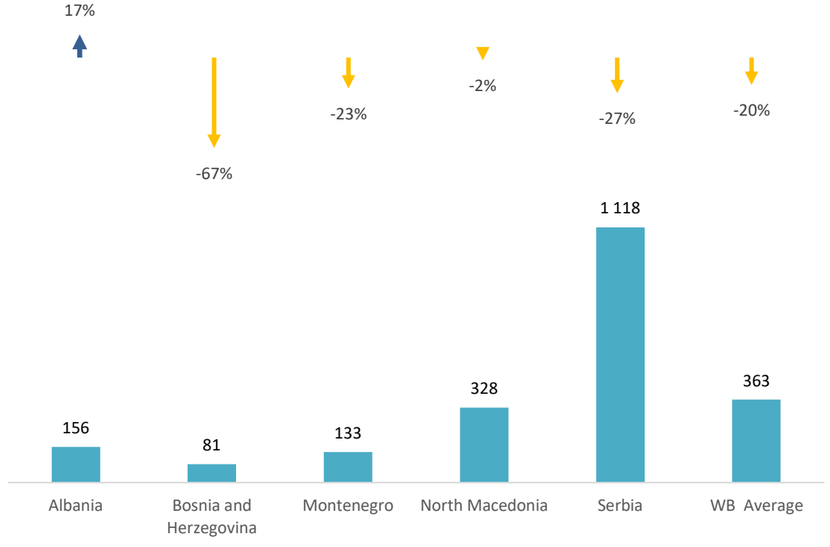
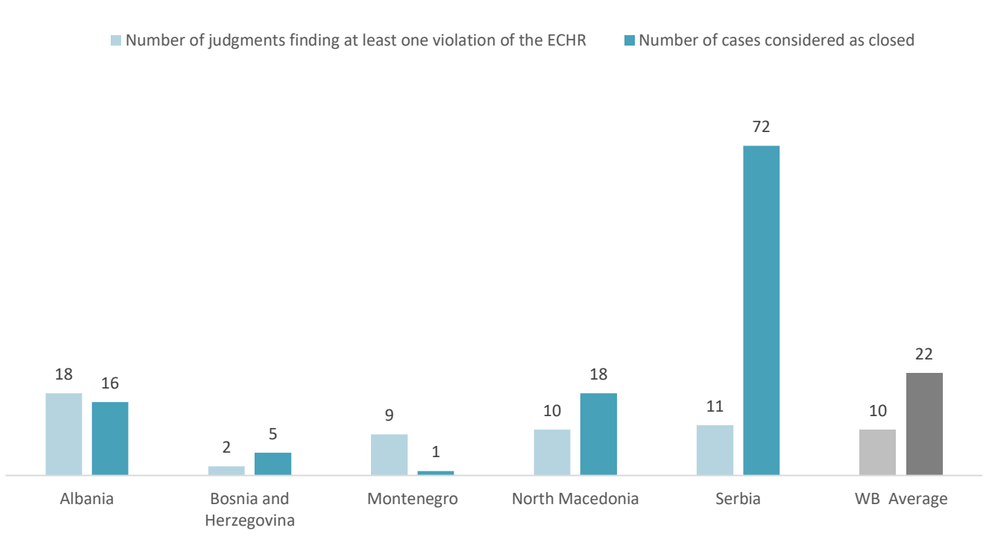


Figure 10.2 Number of judgements finding at least one violation of the ECHR and number of cases considered closed in 2024



Source: European Court of Human Rights and Department of Execution of Judgements of the ECHR of the Council of Europe

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

10. European Convention of Human Rights (ECHR) - List of tables

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review/reopen a case at the national level after a decision on violation of human rights by the ECHR in 2024 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2024 (Q262, Q263 and Q263-1**)

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgments, between 2019 and 2024 (Q262 and Q263**)

Table 10.1.4 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process between 2019 and 2024 (Q264***)

** Source ECHR

*** Source: Department for the Execution of Judgments of the ECHR

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review/reopen a case at the national level after a decision on violation of human rights by the ECHR in 2024 (Q260 and Q261)

Beneficiaries	Monitoring system for violations related to Article 6 of the European Convention on Human Rights			Possibility to review/reopen a case at the national level after a decision on violation of human rights by the ECHR		
	Non-enforcement for civil procedures	Timeframe		For civil cases	For criminal cases	For administrative cases
		For civil procedures	For criminal procedures			
Albania						
Bosnia and Herzegovina						
Montenegro						
North Macedonia						
Serbia						
Kosovo*						

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2024 (Q262, Q263 and Q263-1**)

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgements in 2024					
	Number of applications allocated to a judicial formation of the European Court of Human Rights	Number of judgements		Number of judgments delivered against the country finding at least one violation of the Article 6 of the European Convention on Human Rights		
		Total	Judgements finding at least one violation	Right to a fair trial	Length of proceedings	Non-enforcement
Albania	156	20	18	3	5	7
Bosnia and Herzegovina	81	2	2	1	0	0
Montenegro	133	9	9	1	0	8
North Macedonia	328	10	10	4	0	0
Serbia	1 118	11	11	4	2	1
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP
Average	363	10	10	3	1	3
Median	156	10	10	3	0	1
Minimum	81	2	2	1	0	0
Maximum	1118	20	18	4	5	8

** Source ECHR

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgments, between 2019 and 2024 (Q262 and Q263**)

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgments, between 2019 and 2024														
	Number of applications allocated to a judicial formation of the European Court of Human Rights					Number of judgments									
						Total					Judgments finding at least one violation				
	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024	2019	2021	2022	2023	2024
Albania	88	75	85	133	156	1	3	8	21	20	1	2	7	20	18
Bosnia and Herzegovina	1 784	784	407	248	81	21	14	10	2	2	21	14	10	2	2
Montenegro	427	381	295	173	133	3	5	3	0	9	2	4	3	0	9
North Macedonia	262	394	367	335	328	12	11	6	11	10	9	8	4	10	10
Serbia	2 160	1 993	3 289	1 522	1 118	24	6	12	9	11	22	5	10	9	11
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	944	725	889	482	363	12	8	8	9	10	11	7	7	8	10
Median	427	394	367	248	156	12	6	8	9	10	9	5	7	9	10
Minimum	88	75	85	133	81	1	3	3	0	2	1	2	3	0	2
Maximum	2160	1993	3289	1522	1118	24	14	12	21	20	22	14	10	20	18

** Source ECHR

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 10.1.4 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process between 2019 and 2024 (Q264***)

Beneficiaries	Total number of cases considered as closed after a judgement of the European Court of Human Rights				
	2019	2021	2022	2023	2024
Albania	4	3	3	4	16
Bosnia and Herzegovina	7	19	15	14	5
Montenegro	3	4	4	7	1
North Macedonia	26	13	28	16	18
Serbia	35	31	57	96	72
Kosovo*	NAP	NAP	NAP	NAP	NAP
Average	15	14	21,4	27	22
Median	7	13	15	14	16
Minimum	3	3	3	4	1
Maximum	35	31	57	96	72

*** Source: Department for the Execution of Judgments of the ECHR

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Indicator 10- ECtHR

by country

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?
Question 261. Is there in your country a possibility to review/reopen a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Albania

Q260 (General Comment): "For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has created a monitoring system as a remedy in case of violation of article 6 specifically: “Just satisfaction” 1. Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter. 2. Anyone who is involved in a legal process, as a party in the process, has the right to just satisfaction as determined by Article 399/3 of this Code. For civil procedures (timeframe) The timeframe of Civil procedures are prescribed at the code of Civil Procedure, specifically in article 399/2/b “Reasonable timing” –“b) The completion of a process in a civil trial at first instance within two years, in a civil trial on appeal within two years; and in a civil trial at the High Court within two years.” For criminal procedures (timeframe) The timeframe of criminal procedures are prescribed at the Code of Civil Procedure, specifically in article 399/2/d “Reasonable timing” – “d) In criminal trials at first instance, the time limit for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors.”
The final judgments of the European Court of Human Rights (herein after ECHR), in every case where Albania is a party are binding and are enforced following the procedures provided by Law No. 10018 “On the State Advocature”, Chapter V/I “On the execution of Judgments and Decisions of the European Court of Human Rights”.
The State Advocature, in the quality of the representative and defender of the interests of the state at the ECHR, is the competent institution for the initiation of the procedures for the execution of the ECHR judgments and decisions.
Upon receiving notice on the final judgment, the State Advocature, within 10 working days, forwards the judgment for translation and certification to the Ministry of Justice. A copy of the original judgment and a translated and certified copy by the Ministry of Justice are sent to the Constitutional Court, Supreme Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECHR's decision/judgment, reasoning and found violations become known with a view to unifying practices and preventing similar cases in the future.
The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments by the national authorities. Also, the State Advocature has the right to suggest general preventive measures with regard to the necessary changes in legislation or practices that may cause a financial damage to the state as a result of the violation of the European Convention on Human Rights.
The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights’ judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy:
-Referring to Article 6 of the European Convention, we would like to emphasize the amendments to the Civil Procedure Code in 2017, where it is added Chapter X by Law no. 38/2017, dated 30.03.2017 "Judgments on requests for ascertaining violations of reasonable time, expedition of proceedings and compensation for damage", in order to prevent the violation of reasonable timeframe.

Q260 (2024): Even though Albania has not a monitoring system for violations of Article 6 of the Convention, it has domestic mechanisms at the national level, which aims to accelerate court proceedings and allow reopening of cases, in which violations of Article 6 of the ECHR of was found. Since November 2017, a new acceleratory and compensatory remedy for excessive length of judicial proceedings has been functioning in Albania. The requests for acceleration or claims for compensation are filed with the ordinary courts or the Constitutional Court, depending on the jurisdiction. The claim for compensation may be lodged after the finding of a breach of the "reasonable time" requirement at one level of jurisdiction. Where there is a finding of a breach, the requesting party may file a claim for compensation with the first-instance court, which examines it within three months.
In addition. the State Advocate Office in the framework of the execution of the "Luli and others v. Albania" group of cases that concern the excessive length of proceedings before civil courts and administrative bodies report periodically to the Committee of Ministers of the CoE, for the length of proceedings and other general measures to prevent further violations of article 6. In this regard, the State Advocate periodically collects statistical data on the length of court proceedings from all the domestic courts, and by the High Judicial Council and Supreme Court which provide comprehensive analysis of the statistical data produced by the domestic courts. Recently a working group has been established in 2022 for drafting a strategy for reducing the number of backlog cases in domestic courts, where the collection and analysis of the statistical data on the length of proceedings is one of the focus areas.
Furthermore, aiming at general prevention of violations of article 6 of the Convention, all the judgments/decisions of the ECtHR finding a violation are disseminated to judicial and respective authorities and included in the training curricula of magistrates or other relevant authorities.

Q260 (2023): Even though Albania has not a monitoring system for violations of Article 6 of the Convention, it has domestic mechanisms at the national level, which aims to accelerate court proceedings and allow reopening of cases, in which violations of Article 6 of the ECHR of was found. Since November 2017, a new acceleratory and compensatory remedy for excessive length of judicial proceedings has been functioning in Albania. The requests for acceleration or claims for compensation are filed with the ordinary courts or the Constitutional Court, depending on the jurisdiction. The claim for compensation may be lodged after the finding of a breach of the "reasonable time" requirement at one level of jurisdiction. Where there is a finding of a breach, the requesting party may file a claim for compensation with the first-instance court, which examines it within three months.
In addition. the State Advocate Office in the framework of the execution of the "Luli and others v. Albania" group of cases that concern the excessive length of proceedings before civil courts and administrative bodies report periodically to the Committee of Ministers of the CoE, for the length of proceedings and other general measures to prevent further violations of article 6. In this regard, the State Advocate periodically collects statistical data on the length of court proceedings from all the domestic courts, and by the High Judicial Council and Supreme Court which provide comprehensive analysis of the statistical data produced by the domestic courts. Recently a working group has been established in 2022 for drafting a strategy for reducing the number of backlog cases in domestic courts, where the collection and analysis of the statistical data on the length of proceedings is one of the focus areas.
Furthermore, aiming at general prevention of violations of article 6 of the Convention, all the judgments/decisions of the ECtHR finding a violation are disseminated to judicial and respective authorities and included in the training curricula of magistrates or other relevant authorities.

Q260 (2021): For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has created a monitoring system as a remedy in case of violation of article 6 specifically: “Just satisfaction” 1. Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter. 2. Anyone who is involved in a legal process, as a party in the process, has the right to just satisfaction as determined by Article 399/3 of this Code.
For civil procedures (timeframe) The timeframe of Civil procedures are prescribed at the code of Civil Procedure, specifically in article 399/2/b “Reasonable timing” –“b) The completion of a process in a civil trial at first instance within two years, in a civil trial on appeal within two years; and in a civil trial at the High Court within two years.”
For criminal procedures (timeframe) The timeframe of criminal procedures are prescribed at the Code of Civil Procedure, specifically in article 399/2/d “Reasonable timing” – “d) In criminal trials at first instance, the time limit for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors.”

Q261 (2024): According to article 450.1/d of the Criminal Procedural Code and article 494.ë of the Civil Procedural Code of the Republic of Albania it is possible to reopen a criminal, civil or administrative case after the European Court of Human Rights has found a violation of the ECHR Convention.
Q261 (2023): According to article 450.1/d of the Criminal Procedural Code and article 494.ë of the Civil Procedural Code of the Republic of Albania it is possible to reopen a criminal, civil or administrative case after the European Court of Human Rights has found a violation of the ECHR Convention.

Bosnia and Herzegovina

Q260 (General Comment): Bosnia and Herzegovina is represented before the European Court of Human Rights by its Agent (Agent of the Council of Ministers before the European Court of Human Rights). It is also within the scope of work of the Agent to coordinate and monitor implementation of the ECHRs decisions regarding BiH and to report on this issue to the Council of Ministers of BiH and the Committee of Ministers of the Council of Europe. If violation of the Convention is established by the final decision of the ECHR, the Agent will take all actions necessary to ensure its implementation, from translating and distributing such decision to responsible domestic authorities, to conducting intensive and continuous cooperation with them, as well as with the Department for the Execution of Judgments of the ECHR. Furthermore, if Agent finds that domestic law, applicable in the case submitted to the ECHR, is not in line with European Convention, Agent will initiate, through competent authorities, procedure to amend and harmonize respective regulation. Agent has a deputy and an office (Office of the Agent of the Council of Ministers before the European Court of Human Rights). Office of the Agent is tasked to follow domestic and international regulation relevant for the protection of the human rights, and to follow and analyze the practice of the ECHR. Specific institutional safe-guard for the rights and freedoms protected by the Constitution of BiH and European Convention (including rights provided in article 6), derives from appellate jurisdiction of the Constitutional Court of BiH. Based on Article VI of the Constitution, Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. Under terms provided by its Rules, the Constitutional Court may decide on the appeal even when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. Appellants, who believe that the judgment or other decision of any court is in violation of their rights, shall have the right to file an appeal after all legal remedies have been exhausted while the Court shall also consider the effectiveness of possible legal remedies. If the Constitutional Court finds an appeal well-founded, it may decide on the merits or it may quash the challenged decision and refer the case back to the court that adopted the judgment for renewed proceedings. The court whose decision has been quashed is obligated to take another decision in expedient proceedings and, in doing so, it shall be bound by the legal opinion of the Constitutional Court concerning the violation of the appellant's rights and the fundamental freedoms guaranteed under the Constitution. If the Constitutional Court finds that violation of human rights is caused by systematic flaws in functioning or organization of the public authorities or by inadequate regulations, it may, in a decision granting an appeal, instruct competent institutions to implement measures aiming to eliminate causes that led to such violation.

As for the violations of human rights from Article 6 of the European Convention due to the domestic judgements not being enforced, it is important to emphasise that besides the above monitoring system, after the European Court for Human Rights rendered a decision in the case of Kunic and Others vs. BiH, application no. 68955/12 and 15 others (judgement of 14 November 2017) in which it was determined that failure to enforce domestic judgements is a systemic problem, a number of activities were taken to remove those violations and prevent future ones on the same grounds. The Government of the Federation of BiH and governments of the Zenica Doboj, Central Bosnia, Herzegovina-Neretva, Una-Sana cantons and Canton Sarajevo adopted the action plans defining the number of non-enforced domestic judgements that were rendered against them, determined the overall debt from those judgements and adopted the payment plan to the creditors. Within the Action Plan on the enforcement of the judgements from the group of cases Kunic and Others, an office of representatives has been informing the Department for the Execution of Judgements of the European Court about their enforcement on a regular basis. In order to prevent the European Court in rendering judgements based on Article 6 of the European Convention for excessive time of the court proceedings, domestic

Q261 (General Comment): If the verdict of the European Court establishes a violation of the right to a fair trial that is of a nature that can only be resolved by reopening the criminal proceedings, the national court that violated such right in criminal proceedings, as stipulated with the Convention, shall reopen the criminal proceedings. The criminal procedure codes in Bosnia and Herzegovina explicitly prescribe that criminal proceedings may be reopened in favour of the accused if the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights establish that human rights and fundamental freedoms were violated during the proceedings or that the verdict was based on these violations. The Rules of the Constitutional Court, prescribe that, exceptionally, if the European Court of Human Rights finds that human rights concerning access to a court have been violated in proceedings before the Constitutional Court and if the decision of the Constitutional Court is based on such a violation, the Constitutional Court shall renew proceedings not later than three months from the finality of the judgment of the European Court of Human Rights. Based on the verdict of the European Court of Human Rights in the case Avdic and Others vs Bosnia and Herzegovina, ap. no. 28357/11, which established a violation to Mr Avdic's right to a fair trial in proceedings before the Constitutional Court of BiH, proceedings were reopened before the same court in order to address the violation of the applicants rights, as identified. At the same time, a Decision was also rendered on amendments to the Rules of the Constitutional Court in order to avoid future human rights violations on such grounds as in the Avdic case. Based on the verdict of the European Court in the case Maktouf & Damjanovic vs Bosnia and Herzegovina, ap. no. 2312/08 & 3478/09, that established a violation of the rights from Article 7 of the Convention of the applicants in criminal proceedings against them before the Court of BiH, proceedings were reopened before the said court both, in their favour, as well as in favour of all persons convicted with finality and who were in the same/similar situation. Subsequent to the verdict of the European Court in the case Muslija Adnan vs Bosnia and Herzegovina, app. no. 32042/14, establishing a violation of the rights of the applicant pursuant to Article 4 of Protocol no. 7 to the Convention, criminal proceedings were reopened in favour of the convicted person – applicant Mr Muslija. Also, the civil procedure codes in Bosnia and Herzegovina have been amended enabling the parties to civil proceedings to request from the first instance court to reopen their case, if the European Court of Human Rights makes a decision that the court in Bosnia and Herzegovina in its judgment had made an infringement of one's human rights, or basic freedoms. The party to the civil proceeding may request from the first instance court to reopen the proceeding within 90 days from the day of the final judgment of the European Court of Human Rights.

Montenegro

Q260 (General Comment): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

Q260 (2021): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

Q261 (2021): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure.
In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person,if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on such violation, provided that the reopening of the proceedings can remedy such violation.
Also, the Law on Administrative Dispute defines as one of the reasons for the repeating the proceeding finalized by final decision – contrast of the verdict of the Adminsitrative court from the verdict of the European Court of Human Rights in the same matter. Proceeding is repeated upon the request of the party.

North Macedonia

Q260 (General Comment): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.
It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State.
The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation.
Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future.
In this connection, Section 11 paragraph 6 of the Law provides that the Inter-Departmental Commission is competent to monitor the implementation of the existing system for execution of judgments of the European Court of Human Rights and it is also tasked with recommending measures for its improvement.
With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (accelerator remedy).

Q260 (2024): Please, see the general comment.
Q260 (2023): Please, see the general comment.
Q260 (2022): Please, see the general comment.

Q261 (General Comment): According the Article 449 of the Law on Criminal Procedure, among others, procedure can be repeated If the European Court of Human Rights establishes with a decision that has entered into effect, any violations of the human rights and fundamental freedoms during the procedure.
According to the Article 400 of the Law on Civil procedure, when the European Court on Human rights determines the violation of some human rights or fundamental freedoms stipulated in the European Convention for Protection of the Basic Human Rights and Fundamental Freedoms and in the additional protocols of the Convention, which the Republic of Macedonia has ratified, the party may within 30 days from the day the judgment of the European Court for Human Rights becomes final, to file a request to the court in the Republic of Macedonia, that decided in the first instance procedure in which the decision was made that violated some human right or fundamental freedoms, to change the decision, with which that right or fundamental freedom is violated. According to the Article 82 of the Law on Administrative Disputes, one of the grounds for repeating the administrative procedure is if the European Court of Human Rights found a violation of the The European Convention for the Protection of Human Rights and Fundamental Freedoms or adopted a decision based on a unilateral statement by the state to recognize a violation of The European Convention for the Protection of Human Rights and Fundamental Freedoms.
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Q261 (2022): Please, see the general comment.

Serbia
Q260 (General Comment): Office of the Agent of the Republic of Serbia before the European Court of Human Rights (hereinafter: the Court), performs monitoring of violations of the Article 6 of the European Convention on Human Rights (hereinafter: the Convention) in capacity of authority competent to take care of the execution of judgments and decisions rendered by the Court. Following the delivery of judgments establishing violation of Article 6 of the Convention, the Agents office translate the judgment concerned and publishes it in Official Journal, as well as informs domestic courts or other domestic authorities , which acts or omissions led to the violation of the right about the Court's findings. Having in mind that the Agent's office deals with the process of the execution of the Court's judgments and decision's , it cooperates with domestic authorities in order to prepare and enforce appropriate measures to prevent similar violations in future. Moreover, on the request of the Agent's office, all domestic authorities are expected to provide necessary data in order to be presented before the Committee of Ministers of the Council of Europe in the form of action plans or action reports. Presented monitoring system is operated by the Agent's office and it is at the State level. There is no separate mechanism in the Republic of Serbia dedicated only to the monitoring of the violations related to Article 6 of the Convention.

Q260 (2023): According to Article 46 of the European Convention on Human Rights, the Committee of Ministers of the Council of Europe monitors the enforcement of judgments and decisions of the Court issued against all the contracting parties including the Republic of Serbia. Therefore, The Public Attorney's Office is obliged to submit reports on payments of compensation awarded, to the Committee of Ministers of the Council of Europe. This has been done on a regular basis. Also, numerous Action plans and action reports have been submitted to the Committee of Ministers regarding violations of Article 6 (1) of the ECHR.
Concerning the prevention of similar violations of the part of Article 6, which relates to the trial within a reasonable time, it is exercised by courts of general and special jurisdiction on the requests of the party. The Law on the Protection of the Right to a Trial within a Reasonable Time stipulates that this right is one of the aspects of the right to a fair trial under Article 6 of the ECHR. The right to a trial within a reasonable time is granted to each party to the court proceedings, including the enforcement proceedings, each party under the law governing non-contentious proceedings, and the injured parties in criminal proceedings, the private prosecutor and the injured party as a prosecutor under certain procedural preconditions. Part of the statistical report on the work of the courts also relates to the trial within a reasonable time. Protection of other various aspects of rights under Article 6 ECHR is exercised before the Constitutional Court by lodging a constitutional complaint. Sources are the RS Constitution, the Law on the Constitutional Court, the Law on the Organization of Courts, and the Law on the Protection of the Right to a Trial within a Reasonable Time.

Q260 (2022): The Law on the protection of the right to a trial within a reasonable time (from 2015)
Q261 (General Comment): Civil proceedings - According to the provisions of the Civil Procedure Code one of the reasons for reopening of the proceedings is a violation of the human rights found by the ECtHR. It is provided that "…. If the party is afforded the opportunity to use a judgment of the European Court of Human Rights finding a violation of human rights, which may have had the effect of a more favourable decision" (Article 426(1) (11)).
The deadline for submission of a motion for reopening is 60 days from the date on which the party was able to use the final decision which is the reason for the reopening of the proceedings (Article 428(1) (4)). Criminal proceedings - The Criminal Procedure Code stipulates that the request for protection of legality may be filed by the Republic Public Prosecutor, the defendant and his defense counsel (ArtIcle 483 (1)). The Supreme Court of Cassation shall decide upon this legal remedy.
One of the reasons for submission of a request for the protection of legality is that the human rights and freedoms of the defendant or other participant in the proceedings, guaranteed by the Constitution or the European Convention for the Protection of Human Rights and Fundamental Freedoms and additional protocols, have been violated or denied, as found by the Constitutional Court decision or by the Judgment of the European Court of Human Rights. (Article 485 (1) (3)).
Misdemeanour proceedings - The Law on Misdemeanours also provides for the possibility of reopening following the ECtHR judgment. A request for a retrial may be filed, inter alia, when the defendant was afforded the opportunity to use a decision of the ECtHR finding a violation of human rights, which may have had the effect of a more favourable decision on the defendant (Article 280 (1) (5)).
Administrative disputes - The Law on Administrative Disputes stipulates as one of the reasons for reopening of the proceedings that the proceedings concluded by a final judgment or decision will be reopened upon the party's action "if the finding from a subsequently rendered decision of the European Court of Human Rights in the same matter may have an impact on the lawfulness of finally concluded judicial proceedings" (Article 56(1),(7)).
Similarly, by the Law on General Administrative proceedings reopening could be granted if the ECtHR in the same administrative matter found that the rights or freedoms of the applicant were violated (Art. 176, para 1.12).

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Kosovo*
Q260 (2024): Yes, there is a Commission for monitoring, evaluating, and reporting on the Strategic Plan for Improving Access to Justice 2022–2025, as well as the Strategic Plan for the Efficiency of Handling Cases of Corruption, Abuse of Official Duty, and Organized Crime 2025–2027. The Commission consists of five judges from the Supreme Court of Kosovo.
By decision KGJK.nr.380/2023 of the Kosovo Judicial Council (KJC), dated 09.08.2023, it was established that, in addition to the cases foreseen in these strategic plans, cases returned for retrial by the Constitutional Court related to violations of individual rights and freedoms shall also be prioritized.
As stated in the Constitution of Kosovo, Article 22, paragraph 2, among the directly applicable international instruments that prevail in case of conflict with domestic legislation is the European Convention on Human Rights and its Protocols.

Indicator 10- ECtHR

by question No.

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?
Question 261. Is there in your country a possibility to review/reopen a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Question 260

Albania

(General Comment): "For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has created a monitoring system as a remedy in case of violation of article 6 specifically: “Just satisfaction” 1. Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter. 2. Anyone who is involved in a legal process, as a party in the process, has the right to just satisfaction as determined by Article 399/3 of this Code. For civil procedures (timeframe) The timeframe of Civil procedures are prescribed at the code of Civil Procedure, specifically in article 399/2/b “Reasonable timing” –“b) The completion of a process in a civil trial at first instance within two years, in a civil trial on appeal within two years; and in a civil trial at the High Court within two years.” For criminal procedures (timeframe) The timeframe of criminal procedures are prescribed at the Code of Civil Procedure, specifically in article 399/2/d “Reasonable timing” – “d) In criminal trials at first instance, the time limit for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors.”

The final judgments of the European Court of Human Rights (herein after ECHR), in every case where Albania is a party are binding and are enforced following the procedures provided by Law No. 10018 “On the State Advocature”, Chapter V/I “On the execution of Judgments and Decisions of the European Court of Human Rights”.

The State Advocature, in the quality of the representative and defender of the interests of the state at the ECHR, is the competent institution for the initiation of the procedures for the execution of the ECHR judgments and decisions.

Upon receiving notice on the final judgment, the State Advocature, within 10 working days, forwards the judgment for translation and certification to the Ministry of Justice. A copy of the original judgment and a translated and certified copy by the Ministry of Justice are sent to the Constitutional Court, Supreme Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECHR's decision/judgment, reasoning and found violations become known with a view to unifying practices and preventing similar cases in the future.

The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments by the national authorities. Also, the State Advocature has the right to suggest general preventive measures with regard to the necessary changes in legislation or practices that may cause a financial damage to the state as a result of the violation of the European Convention on Human Rights.

The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights’ judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy:

-Referring to Article 6 of the European Convention, we would like to emphasize the amendments to the Civil Procedure Code in 2017, where it is added Chapter X by Law no. 38/2017, dated 30.03.2017 "Judgments on requests for ascertaining violations of reasonable time, expedition of proceedings and compensation for damage", in order to prevent the violation of reasonable timeframe.

(2024): Even though Albania has not a monitoring system for violations of Article 6 of the Convention, it has domestic mechanisms at the national level, which aims to accelerate court proceedings and allow reopening of cases, in which violations of Article 6 of the ECHR of was found. Since November 2017, a new acceleratory and compensatory remedy for excessive length of judicial proceedings has been functioning in Albania. The requests for acceleration or claims for compensation are filed with the ordinary courts or the Constitutional Court, depending on the jurisdiction. The claim for compensation may be lodged after the finding of a breach of the "reasonable time" requirement at one level of jurisdiction. Where there is a finding of a breach, the requesting party may file a claim for compensation with the first-instance court, which examines it within three months.
In addition. the State Advocate Office in the framework of the execution of the "Luli and others v. Albania" group of cases that concern the excessive length of proceedings before civil courts and administrative bodies report periodically to the Committee of Ministers of the CoE, for the length of proceedings and other general measures to prevent further violations of article 6. In this regard, the State Advocate periodically collects statistical data on the length of court proceedings from all the domestic courts, and by the High Judicial Council and Supreme Court which provide comprehensive analysis of the statistical data produced by the domestic courts. Recently a working group has been established in 2022 for drafting a strategy for reducing the number of backlog cases in domestic courts, where the collection and analysis of the statistical data on the length of proceedings is one of the focus areas.
Furthermore, aiming at general prevention of violations of article 6 of the Convention, all the judgments/decisions of the ECtHR finding a violation are disseminated to judicial and respective authorities and included in the training curricula of magistrates or other relevant authorities.

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Bosnia and Herzegovina

(General Comment): Bosnia and Herzegovina is represented before the European Court of Human Rights by its Agent (Agent of the Council of Ministers before the European Court of Human Rights). It is also within the scope of work of the Agent to coordinate and monitor implementation of the ECHRs decisions regarding BiH and to report on this issue to the Council of Ministers of BiH and the Committee of Ministers of the Council of Europe. If violation of the Convention is established by the final decision of the ECHR, the Agent will take all actions necessary to ensure its implementation, from translating and distributing such decision to responsible domestic authorities, to conducting intensive and continuous cooperation with them, as well as with the Department for the Execution of Judgments of the ECHR. Furthermore, if Agent finds that domestic law, applicable in the case submitted to the ECHR, is not in line with European Convention, Agent will initiate, through competent authorities, procedure to amend and harmonize respective regulation. Agent has a deputy and an office (Office of the Agent of the Council of Ministers before the European Court of Human Rights). Office of the Agent is tasked to follow domestic and international regulation relevant for the protection of the human rights, and to follow and analyze the practice of the ECHR. Specific institutional safe-guard for the rights and freedoms protected by the Constitution of BiH and European Convention (including rights provided in article 6), derives from appellate jurisdiction of the Constitutional Court of BiH. Based on Article VI of the Constitution, Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. Under terms provided by its Rules, the Constitutional Court may decide on the appeal even when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. Appellants, who believe that the judgment or other decision of any court is in violation of their rights, shall have the right to file an appeal after all legal remedies have been exhausted while the Court shall also consider the effectiveness of possible legal remedies. If the Constitutional Court finds an appeal well-founded, it may decide on the merits or it may quash the challenged decision and refer the case back to the court that adopted the judgment for renewed proceedings. The court whose decision has been quashed is obligated to take another decision in expedient proceedings and, in doing so, it shall be bound by the legal opinion of the Constitutional Court concerning the violation of the appellant's rights and the fundamental freedoms guaranteed under the Constitution. If the Constitutional Court finds that violation of human rights is caused by systematic flaws in functioning or organization of the public authorities or by inadequate regulations, it may, in a decision granting an appeal, instruct competent institutions to implement measures aiming to eliminate causes that led to such violation.

As for the violations of human rights from Article 6 of the European Convention due to the domestic judgements not being enforced, it is important to emphasise that besides the above monitoring system, after the European Court for Human Rights rendered a decision in the case of Kunic and Others vs. BiH, application no. 68955/12 and 15 others (judgement of 14 November 2017) in which it was determined that failure to enforce domestic judgements is a systemic problem, a number of activities were taken to remove those violations and prevent future ones on the same grounds. The Government of the Federation of BiH and governments of the Zenica Doboj, Central Bosnia, Herzegovina-Neretva, Una-Sana cantons and Canton Sarajevo adopted the action plans defining the number of non-enforced domestic judgements that were rendered against them, determined the overall debt from those judgements and adopted the payment plan to the creditors. Within the Action Plan on the enforcement of the judgements from the group of cases Kunic and Others, an office of representatives has been informing the Department for the Execution of Judgements of the European Court about their enforcement on a regular basis. In order to prevent the European Court in rendering judgements based on Article 6 of the European Convention for excessive time of the court proceedings, domestic

Montenegro

(General Comment): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

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North Macedonia

(General Comment): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.
It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State.
The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation.
Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future.
In this connection, Section 11 paragraph 6 of the Law provides that the Inter-Departmental Commission is competent to monitor the implementation of the existing system for execution of judgments of the European Court of Human Rights and it is also tasked with recommending measures for its improvement.
With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (accelerator remedy).

(2024): Please, see the general comment.

(2023): Please, see the general comment.

(2022): Please, see the general comment.

Serbia

(General Comment): Office of the Agent of the Republic of Serbia before the European Court of Human Rights (hereinafter: the Court), performs monitoring of violations of the Article 6 of the European Convention on Human Rights (hereinafter: the Convention) in capacity of authority competent to take care of the execution of judgments and decisions rendered by the Court. Following the delivery of judgments establishing violation of Article 6 of the Convention, the Agents office translate the judgment concerned and publishes it in Official Journal, as well as informs domestic courts or other domestic authorities , which acts or omissions led to the violation of the right about the Court's findings. Having in mind that the Agent's office deals with the process of the execution of the Court's judgments and decision's , it cooperates with domestic authorities in order to prepare and enforce appropriate measures to prevent similar violations in future. Moreover, on the request of the Agent's office, all domestic authorities are expected to provide necessary data in order to be presented before the Committee of Ministers of the Council of Europe in the form of action plans or action reports. Presented monitoring system is operated by the Agent's office and it is at the State level. There is no separate mechanism in the Republic of Serbia dedicated only to the monitoring of the violations related to Article 6 of the Convention.

(2023): According to Article 46 of the European Convention on Human Rights, the Committee of Ministers of the Council of Europe monitors the enforcement of judgments and decisions of the Court issued against all the contracting parties including the Republic of Serbia. Therefore, The Public Attorney's Office is obliged to submit reports on payments of compensation awarded, to the Committee of Ministers of the Council of Europe. This has been done on a regular basis. Also, numerous Action plans and action reports have been submitted to the Committee of Ministers regarding violations of Article 6 (1) of the ECHR.
Concerning the prevention of similar violations of the part of Article 6, which relates to the trial within a reasonable time, it is exercised by courts of general and special jurisdiction on the requests of the party. The Law on the Protection of the Right to a Trial within a Reasonable Time stipulates that this right is one of the aspects of the right to a fair trial under Article 6 of the ECHR. The right to a trial within a reasonable time is granted to each party to the court proceedings, including the enforcement proceedings, each party under the law governing non-contentious proceedings, and the injured parties in criminal proceedings, the private prosecutor and the injured party as a prosecutor under certain procedural preconditions. Part of the statistical report on the work of the courts also relates to the trial within a reasonable time. Protection of other various aspects of rights under Article 6 ECHR is exercised before the Constitutional Court by lodging a constitutional complaint. Sources are the RS Constitution, the Law on the Constitutional Court, the Law on the Organization of Courts, and the Law on the Protection of the Right to a Trial within a Reasonable Time.

(2022): The Law on the protection of the right to a trial within a reasonable time (from 2015)

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(2024): Yes, there is a Commission for monitoring, evaluating, and reporting on the Strategic Plan for Improving Access to Justice 2022–2025, as well as the Strategic Plan for the Efficiency of Handling Cases of Corruption, Abuse of Official Duty, and Organized Crime 2025–2027. The Commission consists of five judges from the Supreme Court of Kosovo.
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As stated in the Constitution of Kosovo, Article 22, paragraph 2, among the directly applicable international instruments that prevail in case of conflict with domestic legislation is the European Convention on Human Rights and its Protocols.

Question 261

Albania

(2024): According to article 450.1/d of the Criminal Procedural Code and article 494.ë of the Civil Procedural Code of the Republic of Albania it is possible to reopen a criminal, civil or administrative case after the European Court of Human Rights has found a violation of the ECHR Convention.

(2023): According to article 450.1/d of the Criminal Procedural Code and article 494.ë of the Civil Procedural Code of the Republic of Albania it is possible to reopen a criminal, civil or administrative case after the European Court of Human Rights has found a violation of the ECHR Convention.

Bosnia and Herzegovina

(General Comment): If the verdict of the European Court establishes a violation of the right to a fair trial that is of a nature that can only be resolved by reopening the criminal proceedings, the national court that violated such right in criminal proceedings, as stipulated with the Convention, shall reopen the criminal proceedings. The criminal procedure codes in Bosnia and Herzegovina explicitly prescribe that criminal proceedings may be reopened in favour of the accused if the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights establish that human rights and fundamental freedoms were violated during the proceedings or that the verdict was based on these violations. The Rules of the Constitutional Court, prescribe that, exceptionally, if the European Court of Human Rights finds that human rights concerning access to a court have been violated in proceedings before the Constitutional Court and if the decision of the Constitutional Court is based on such a violation, the Constitutional Court shall renew proceedings not later than three months from the finality of the judgment of the European Court of Human Rights. Based on the verdict of the European Court of Human Rights in the case Avdic and Others vs Bosnia and Herzegovina, ap. no. 28357/11, which established a violation to Mr Avdic's right to a fair trial in proceedings before the Constitutional Court of BiH, proceedings were reopened before the same court in order to address the violation of the applicants rights, as identified. At the same time, a Decision was also rendered on amendments to the Rules of the Constitutional Court in order to avoid future human rights violations on such grounds as in the Avdic case. Based on the verdict of the European Court in the case Maktouf & Damjanovic vs Bosnia and Herzegovina, ap. no. 2312/08 & 3478/09, that established a violation of the rights from Article 7 of the Convention of the applicants in criminal proceedings against them before the Court of BiH, proceedings were reopened before the said court both, in their favour, as well as in favour of all persons convicted with finality and who were in the same/similar situation. Subsequent to the verdict of the European Court in the case Muslija Adnan vs Bosnia and Herzegovina, app. no. 32042/14, establishing a violation of the rights of the applicant pursuant to Article 4 of Protocol no. 7 to the Convention, criminal proceedings were reopened in favour of the convicted person – applicant Mr Muslija. Also, the civil procedure codes in Bosnia and Herzegovina have been amended enabling the parties to civil proceedings to request from the first instance court to reopen their case, if the European Court of Human Rights makes a decision that the court in Bosnia and Herzegovina in its judgment had made an infringement of one's human rights, or basic freedoms. The party to the civil proceeding may request from the first instance court to reopen the proceeding within 90 days from the day of the final judgment of the European Court of Human Rights.

Montenegro

(2021): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure.
In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person,if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on such violation, provided that the reopening of the proceedings can remedy such violation.
Also, the Law on Administrative Dispute defines as one of the reasons for the repeating the proceeding finalized by final decision – contrast of the verdict of the Adminsitrative court from the verdict of the European Court of Human Rights in the same matter. Proceeding is repeated upon the request of the party.

North Macedonia

(General Comment): According the Article 449 of the Law on Criminal Procedure, among others, procedure can be repeated If the European Court of Human Rights establishes with a decision that has entered into effect, any violations of the human rights and fundamental freedoms during the procedure.
According to the Article 400 of the Law on Civil procedure, when the European Court on Human rights determines the violation of some human rights or fundamental freedoms stipulated in the European Convention for Protection of the Basic Human Rights and Fundamental Freedoms and in the additional protocols of the Convention, which the Republic of Macedonia has ratified, the party may within 30 days from the day the judgment of the European Court for Human Rights becomes final, to file a request to the court in the Republic of Macedonia, that decided in the first instance procedure in which the decision was made that violated some human right or fundamental freedoms, to change the decision, with which that right or fundamental freedom is violated. According to the Article 82 of the Law on Administrative Disputes, one of the grounds for repeating the administrative procedure is if the European Court of Human Rights found a violation of the The European Convention for the Protection of Human Rights and Fundamental Freedoms or adopted a decision based on a unilateral statement by the state to recognize a violation of The European Convention for the Protection of Human Rights and Fundamental Freedoms.

(2023): According the Article 449 of the Law on Criminal Procedure, among others, procedure can be repeated If the European Court of Human Rights establishes with a decision that has entered into effect, any violations of the human rights and fundamental freedoms during the procedure.
According to the Article 400 of the Law on Civil procedure, when the European Court on Human rights determines the violation of some human rights or fundamental freedoms stipulated in the European Convention for Protection of the Basic Human Rights and Fundamental Freedoms and in the additional protocols of the Convention, which the Republic of Macedonia has ratified, the party may within 30 days from the day the judgment of the European Court for Human Rights becomes final, to file a request to the court in the Republic of Macedonia, that decided in the first instance procedure in which the decision was made that violated some human right or fundamental freedoms, to change the decision, with which that right or fundamental freedom is violated. According to the Article 82 of the Law on Administrative Disputes, one of the grounds for repeating the administrative procedure is if the European Court of Human Rights found a violation of the The European Convention for the Protection of Human Rights and Fundamental Freedoms or adopted a decision based on a unilateral statement by the state to recognize a violation of The European Convention for the Protection of Human Rights and Fundamental Freedoms.

(2022): Please, see the general comment.

Serbia

(General Comment): Civil proceedings - According to the provisions of the Civil Procedure Code one of the reasons for reopening of the proceedings is a violation of the human rights found by the ECtHR. It is provided that "…. If the party is afforded the opportunity to use a judgment of the European Court of Human Rights finding a violation of human rights, which may have had the effect of a more favourable decision" (Article 426(1) (11)).
The deadline for submission of a motion for reopening is 60 days from the date on which the party was able to use the final decision which is the reason for the reopening of the proceedings (Article 428(1) (4)). Criminal proceedings - The Criminal Procedure Code stipulates that the request for protection of legality may be filed by the Republic Public Prosecutor, the defendant and his defense counsel (ArtIcle 483 (1)). The Supreme Court of Cassation shall decide upon this legal remedy.
One of the reasons for submission of a request for the protection of legality is that the human rights and freedoms of the defendant or other participant in the proceedings, guaranteed by the Constitution or the European Convention for the Protection of Human Rights and Fundamental Freedoms and additional protocols, have been violated or denied, as found by the Constitutional Court decision or by the Judgment of the European Court of Human Rights. (Article 485 (1) (3)).
Misdemeanour proceedings - The Law on Misdemeanours also provides for the possibility of reopening following the ECtHR judgment. A request for a retrial may be filed, inter alia, when the defendant was afforded the opportunity to use a decision of the ECtHR finding a violation of human rights, which may have had the effect of a more favourable decision on the defendant (Article 280 (1) (5)).
Administrative disputes - The Law on Administrative Disputes stipulates as one of the reasons for reopening of the proceedings that the proceedings concluded by a final judgment or decision will be reopened upon the party's action "if the finding from a subsequently rendered decision of the European Court of Human Rights in the same matter may have an impact on the lawfulness of finally concluded judicial proceedings" (Article 56(1),(7)).
Similarly, by the Law on General Administrative proceedings reopening could be granted if the ECtHR in the same administrative matter found that the rights or freedoms of the applicant were violated (Art. 176, para 1.12).

(2023): Civil proceedings - According to the provisions of the Civil Procedure Code one of the reasons for reopening of the proceedings is a violation of the human rights found by the ECtHR. It is provided that "…. If the party is afforded the opportunity to use a judgment of the European Court of Human Rights finding a violation of human rights, which may have had the effect of a more favourable decision" (Article 426(1) (11)).
The deadline for submission of a motion for reopening is 60 days from the date on which the party was able to use the final decision which is the reason for the reopening of the proceedings (Article 428(1) (4)). Criminal proceedings - The Criminal Procedure Code stipulates that the request for protection of legality may be filed by the Republic Public Prosecutor, the defendant and his defense counsel (ArtIcle 483 (1)). The Supreme Court of Cassation shall decide upon this legal remedy.
One of the reasons for submission of a request for the protection of legality is that the human rights and freedoms of the defendant or other participant in the proceedings, guaranteed by the Constitution or the European Convention for the Protection of Human Rights and Fundamental Freedoms and additional protocols, have been violated or denied, as found by the Constitutional Court decision or by the Judgment of the European Court of Human Rights. (Article 485 (1) (3)).
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Administrative disputes - The Law on Administrative Disputes stipulates as one of the reasons for reopening of the proceedings that the proceedings concluded by a final judgment or decision will be reopened upon the party's action "if the finding from a subsequently rendered decision of the European Court of Human Rights in the same matter may have an impact on the lawfulness of finally concluded judicial proceedings" (Article 56(1),(7)).
Similarly, by the Law on General Administrative proceedings reopening could be granted if the ECtHR in the same administrative matter found that the rights or freedoms of the applicant were violated (Art. 176, para 1.12).

(2022): Please see the general comment section

11. Council(s) for the judiciary - Overview

Number of members of the council (s) for the judiciary in 2024 (Table 11.1.2)

Beneficiaries	Single Council competent for both judges and prosecutors	Council only for judges	Council only for prosecutors
Albania	NAP	11	11
Bosnia and Herzegovina	15	NAP	NAP
Montenegro	NAP	10	11
North Macedonia	NAP	15	11
Serbia	NAP	11	11
Kosovo*	NAP	13	13

Figure 11.1 Number of members of the council for judges in 2024

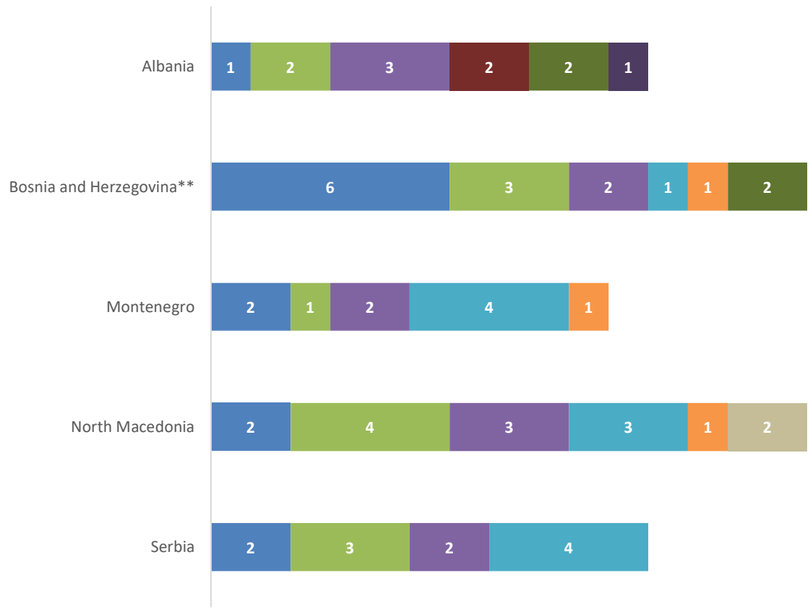
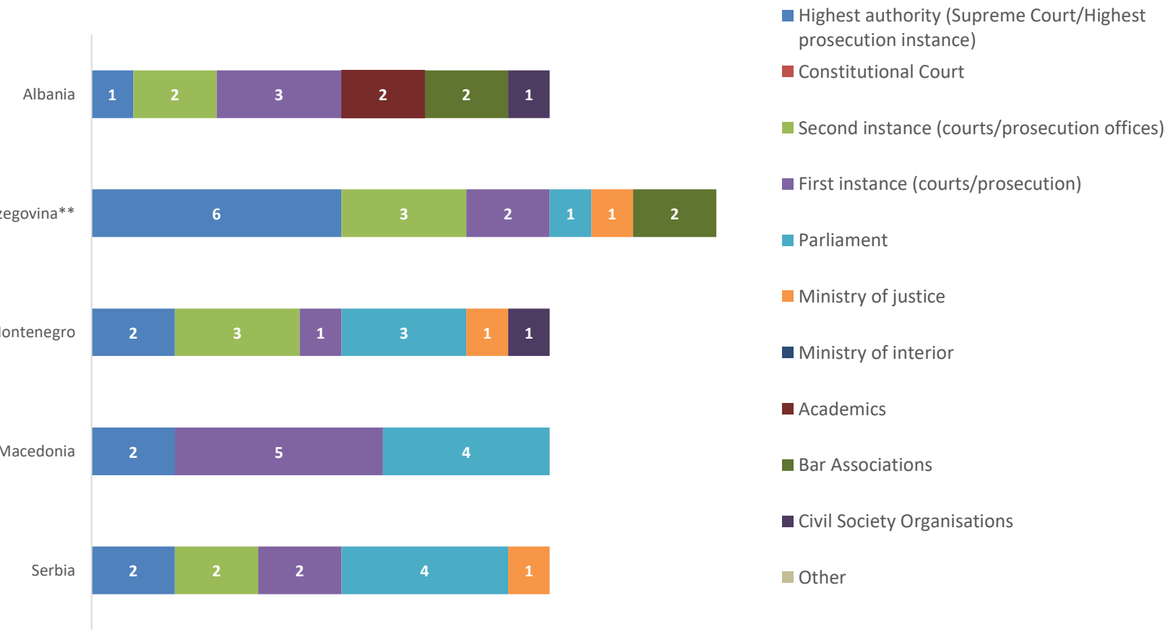


Figure 11.2 Number of members of the Council for prosecutors in 2024



** Please note that **Bosnia and Herzegovina** has a single Council for both judges and prosecutors.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

11. Council(s) for the judiciary - List of tables

Table 11.1.1 Number of members and composition of the Council(s) for judiciary in 2024 (Q266)

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2024 (Q267)

Table 11.1.3 Existence of selection criteria for non-judge/non-prosecutors members in 2024 (Q268)

Table 11.1.4 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2024 (Q269 and Q270)

Table 11.1.1 Number of members and composition of the Council(s) for judiciary in 2024 (Q266)

Beneficiaries	Single Council competent for both judges and prosecutors													Council only for judges												Council only for prosecutors											
	Total	Members proposed by:												Total	Members proposed by:												Total	Members proposed by:										
		Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other			Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other			Highest authority (Supreme Court/Highest prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other
Albania	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP		11	1	NAP	2	3	NAP	NAP	NAP	2	2	1	NAP	11	1	NAP	2	3	NAP	NAP	NAP	2	2	1	NAP
Bosnia and Herzegovina	15	6	NAP	3	2	1	1	NAP	NAP	2	NAP	NAP		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP		10	2	NAP	1	2	4	1	NAP	NAP	NAP	NAP	NAP	11	2	NAP	3	1	3	1	NAP	NAP	NAP	1	NAP
North Macedonia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP		15	2	NAP	4	3	3	1	NAP	NAP	NAP	NAP	2	11	2	NAP	0	5	4	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP		11	2	NAP	3	2	4	NAP	NAP	NAP	NAP	NAP	NAP	11	2	NAP	2	2	4	1	NAP	NAP	NAP	NAP	NAP
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP		13	2	NAP	2	3	6	NAP	NAP	NAP	NAP	NAP	NAP	13	1	NAP	1	8	NAP	NAP	NAP	1	1	1	NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2024 (Q267)

Beneficiaries	Procedure to appoint the different members of the Council(s) in 2024		
	Single council for the judiciary	Council for judges only	Council for prosecutors only
Albania	NAP	Section 1, articles 7 to 58 of Law no 115/2016 “For Governing Bodies of the Justice System”, foresees the procedure of appointment of members of the High Judicial Council.	Based on the Law no. 115/2016 “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council is a collegial body, consisting of eleven members. Six of the Council members are prosecutors from all levels of the prosecution. The General Meeting of Pros following report: a) three of the elected are first instance prosecutors. At least 1 of them is a prosecutor in a prosecutor’s office at the court of first instance outside Tirana; b) two of the elected are prosecutors of the prosecution offices of the courts of appeal, including the Special Prosecution Office for the fight against corruption and organized crime. At least 1 of them is a prosecutor in a prosecutor’s office at an appellate court outside Tirana; c) one of the elected members is a prosecutor at the General Prosecutors Office. The General Prosecutor announces the call for the expression of interest by prosecutors interested in the position of a member of the High Prosecutorial Council. Within 15 days of the announcement of the call for the expression of interest, the concerned prosecutors shall express their intere expressions of interest, the General Prosecutors Office shall verify the fulfilment of the conditions by the candidates, according to the provisions of this law. Appeals against decisions to exclude candidates only for serious procedural violations are made to the Administrative Court of Appeal Not later than two months before the expiry of the term of office of the Prosecuting Members of the High Prosecutorial Council in office, the General Prosecutor convenes the General Meeting of Prosecutors of all levels to elect the members of the Council. The voting for the election of memb individual. At the conclusion of the voting process, under the responsibility of the Prosecutor General, members of the voting committee open the ballot boxes in the presence of all prosecutors attending the meeting, count the votes and announce the preliminary election result. Complaints for violation of procedure related to convening the General Meeting of Prosecutors, verification of participation, voting and counting of votes, ascertaining and declaring invalid and declaring the result during the General Meeting of Prosecutors for the election of Council members 5 days from the day the decision is published on the official website of the General Prosecutor's Office. For the election of the five members coming from the academic field (2 members), bar association (2 members) and civil society organisations (1 member), the Law “On the governance i verification and evaluation of candidates. In the preliminary assessment process are included bodies such as the National Chamber of Advocacy, the People's Advocate, the faculties of Law and the School of Magistrates as well as civil society organizations. The candidates presented by the above mentioned bodies are reviewed by the Assembly which decides finally the selected candidates.
Bosnia and Herzegovina	The process for selection of the HJPC members from the members of judiciary is conducted at all levels of the judiciary in BiH. The judges and prosecutors elect their representatives directly at the respective levels. Selections are conducted within the courts and prosecutor's offices of a certain level, with an exception with regard to one segment of the judiciary (i e Brcko District), where the HJPC member is not elected directly by the judges and prosecutors, but by the Brcko District Judicial Commission. The elected member may be a judge of the Brcko District Court of Appeal or Basic Court, or a prosecutor of the Brcko District Prosecutor's Office. The House of Representatives of the Parliamentary Assembly of BiH, the	NAP	NAP
Montenegro	NAP	Members of the Judicial Council shall be appointed and dismissed from among the judges by the Conference of Judges, by secret ballot. The Conference of Judges shall consist of all judges and court presidents. Note: for selection of other members see comments for section 268	w on State Prosecututor’s Office Proposal for Election of the Prosecutorial Council Members from Among the State Prosecutors Article 24 The proposals of the candidates to be elected Prosecutorial Council members from among the state prosecutors in the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices shall be established: 1) in the session of the Supreme State Prosecution Office where three candidates from that prosecution office shall be proposed; 2) in the session of the Special State Prosecution Office where two candidates from that state prosecution office shall be proposed; 3) in the sessions of high prosecution offices where two candidates from those state prosecution offices shall be proposed. On the basis of the notification on the proposed candidates the Election Commission shall compose a list of nine candidates referred to in paragraph 1 of this Article in an alphabetical order. To establish the proposal of candidates to be elected Prosecutorial Council members from among th initial proposals from every head and state prosecutor from the basic state prosecution offices. Such initial proposals shall contain two candidates each. The initial proposal referred to in paragraph 3 of this Article shall be submitted in the required form in the way which ensures secrecy of the initial proposal. The Election Commission shall form the list of four candidates with the largest number of initial proposals referred to in paragraph 3 of If, after obtaining the initial proposals referred to in paragraph 3 of this Article, there are more than four candidates with the same number of initial proposals, the Election Commission will compose the list of all candidates with the largest i.e. the same number of initial proposals. The form for initial proposals referred to in paragraph 3 of this Article shall be established in the Rules of Procedure of the Prosecutorial Council. Article 25 The lists of candidates for the election of Prosecutorial Council members composed in line with Article 24 paragraphs 2 and 5, i.e. paragraph 6 of this Law shall be delivered to all state prosecution offices to be posted on their notice boards, not later than two months before the expiry of the t Prosecutorial Conference shall be convened by the Supreme State Prosecutor, not later than 30 days before the expiry of the term of office of the Prosecutorial Council members. For the members of the Prosecutorial Council three candidates from the list referred to in article 24 paragraph 2 of this Law are being elected, meaning only one candidate may be elected from one state prosecutor's office and one candidates from the list referred to in article 24 paragraph 5 - If no candidate from the list receives the required majority of votes, the voting shall be repeated for the five candidates from the list referred to in Article 24 paragraph 2 of this Article, i.e. for the two candidates from the list referred to in Article 24 paragraph 5, i.e. paragraph 6 of this Law, wh - If there are several candidates with the same number of votes on the basis of which they can enter the second round of elections, a list of these candidates is composed and the voting is repeated. Only one candidate can be elected from one state prosecution office. Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at least ten years of experience in law who has earned personal and professional reputation and if he/she is not convicted of an offence that makes him/her unworthy of discharging prosecutorial duties in accordance with this Law can be elected a Prosecutorial Council membe As a member of the Prosecutorial Council cannot be chosen the person who: 1) is a marital and extramarital partner or a relative of the member of the Parliament, member of Government of Montenegro or a person elected, nominated or appointed by the Parlament, President of Montenegro or the Government, in a straight line regardless of the level of kinship, in the 2) is a member or political parties official (party presidents, members of the presidency, their deputies, members of executive and main committees), or a person who was directly elected on the elections or served as a member of the Government, a member of Parliament or councilor in the 3) performed the function of prosecutor in the last eight years. Relevant working body of the Parliament of Montenegro shall advertise the procedure for election of the Prosecutorial Council member from among eminent lawyers in the Official Gazette of Montenegro and at least one of the print media based in Montenegro at least four months before the The relevant working body shall publish the public invitation for the election of the Prosecutorial Council member from among eminent lawyers in the website of the Parliament. The time period set for application of the candidates shall be ten days from the day of publishing the advertisement. The relevant working body of the Parliament shall publish the list of the applied candidates in the Parliament website and it shall be available to the public in the period of at least seven days after its publishing. The relevant working body of the Parliament submits to the Parliament the proposal for election of the Prosecutorial Council members from among eminent lawyers. The proposal referred to in paragraph 7 of this Article shall contain as many candidates as there are members of the Prosecutorial Council to be elected. If the proposal for election referred to in 7 of this Article contains fewer candidates than the number to be elected, the election procedure shall be repeated for the number of members not proposed by the relevant working body of the Parliament. Article 26a A member of the Prosecutorial Council aa a representative of non-governmental organizations, is proposed on the basis of a public call issued by the competent working body of the Parliament. The public invitation shall be published in the Officila Gazette of Montenegro, at least one of the p The public invitation contains in particular: 1) conditions that must be met by non-governmental organizations referred to in Article 26b paragraph 1 of this Law; 2) conditions referred to in Article 26 that the candidate must meet; 3) documentation that must be submitted with the proposal;
North Macedonia	NAP	In the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows: -one member is elected from the appellate region Skopje, -one member is elected from the appellate region Bitola, -one member is elected from the appellate region Gostivar, -one member is elected from the appellate region Štip, -one member is elected from the Supreme Court of the Republic of North Macedonia, -two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory and -one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory.	The President of the Council shall be obliged, at least 60 days prior to the expiry of the term of office of the Council members: - to announce an advertisement for the election of Council members from the ranks of public prosecutors; and - to inform the President of the Parliament of the Repu are to be elected by the Parliament. From within its ranks, the Council shall establish a Commission for conducting elections for members of the Council from the ranks of public prosecutors in the Republic of North Macedonia (the Electoral Commission). The Electoral Commission shall cor election material, establish the election boards and conduct the elections. The other four members are elected by the Assembly on a proposal of the competent working body of the Assembly from among the candidates which applied to the public advertisement.

Table 11.1.2 Procedure to appoint the different members of the Council(s) in 2024 (Q267)

Beneficiaries	Procedure to appoint the different members of the Council(s) in 2024		
	Single council for the judiciary	Council for judges only	Council for prosecutors only
Serbia	NAP	THE LAW on the High Council of the Judiciary "Official Gazette of RS", number 10 of February 9, 2023.Composition of the Council Article 7. The Council has 11 members. The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio. 2. Selection of candidates chosen by the National Assembly Article 43. The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs. Conditions for the election of a member of the Council Article 44. A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions: 1)that he meets the general requirements for working in a state body; 2)to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years; 3)to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council; 5) that he has not reached the age of 65; 6) not to perform the function of judge or public prosecutor; 7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State; 8)not to strongly influence the making of political decisions; 9)that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office; 10)that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office. The Election of Candidate for the Member of the Council from Among the Judges The decision to commence the election of candidates for the member of the Council from among the judges is made by the president of the Council no later than six months before the expiry of the mandate of the elective member of the Council from among the judges. The decision is published in the "Official Gazette of the Republic of Serbia and on the website of the Council and is submitted to the president of the Election commission of the Council. Elective members of the Council from among the judges are elected from the following courts: 1) One from the Supreme Court; 2) One from the appellate courts and the Administrative Court; 3) One from the higher courts;4) One from commercial courts and the Commercial Appellate court; 5) One from basic courts; 6) One from misdemeanour courts and the Misdemeanour appellate court. The candidate for the member of the Council from among judges may be any judge. A judge nominated by a session of all judges of one or more courts, according to the type and level of the court in which a judge performs his/her judicial function, may be elected as the member of the Council. The session of all the judges of one court may nominate only one judge. At the session of all the judges, the proposed candidate are voted for secretly. A judge who is supported by at least 20 judges, according to the type and level of the court in which he/she performs	THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023) Composition of the Council Article 7 The Council has 11 members. The members of the Council are five public prosecutors elected by the holders of the office of public prosecutor, four prominent lawyers elected by the National Assembly, and the Supreme Public Prosecutor and the minister responsible for justice, as members by position. Representation of public prosecution offices Article 26 Elective members of the Council from among public prosecutors are elected from the following public prosecutor's offices: 1)one from the Supreme Public Prosecutor's Office; 2)one of the appellate public prosecutor's offices, the Public Prosecutor's Office for Organized Crime and the Public Prosecutor's Office for War Crimes; 3) one of the higher public prosecution offices; 4) two from basic public prosecutor's offices.2. Election of Council members elected by the National Assembly Article 43 The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public com Conditions for the election of a member of the Council Article 44 A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions: 1)that he meets the general requirements for work in state bodies; 2)to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years; 3) to have experience and knowledge relevant to the work of the judiciary; 4) that it is worthy to perform the function of a member of the Council; 5) that he has not reached the age of 65; 6) not to perform the function of public prosecutor or judge; 7)that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State; 8)not to strongly influence the making of political decisions; 9)that he did not exert undue influence on the work of the holder of the public prosecutor's office and the public prosecutor's office or the judge and the court; 10)that in public appearances he did not advocate positions that threaten the independence of the public prosecution or the independence of the judiciary. Dignity implies moral qualities that a member of the Council should possess and conduct in accordance with those qualities. Moral qual and behavior in accordance with these qualities means preserving the reputation of the Council and the Public Prosecutor's Office in the exercise of the function and outside it, awareness of social responsibility, preservation of independence, impartiality, integrity and dignity in performing the Council and the Public Prosecutor's Office in the public. During the election, professional or scientific work of importance for the work of the judiciary, as well as an understanding of the judiciary and advocacy in professional work or public action for the independence of the public prosecuto public prosecutors Decision on starting the procedure Article 25 The decision on starting the procedure for electing a candidate for an elective member of the Council from among public prosecutors is made by the president of the Council no later than six months before the expiration of the term of office of an elective member of the Council from among p The decision from paragraph 1 of this article is published in the "Official Gazette of the Republic of Serbia" and on the website of the Council and is submitted to the president of the Election Commission of the Council (hereinafter: Election Commission)
Kosovo*	NAP	According to Article 10 of Law No. 06/L-055 on the Kosovo Judicial Council, The procedure for the nomination, election, and dismissal of Council members by the Assembly. The procedure for electing Council members by the Assembly begins six (6) months before the expiration of a member's mandate. As an exception to paragraph 1 of this article, when a mandate ends prematurely, as specified by this law, the procedure for electing a new member begins within thirty (30) days from the date the seat becomes vacant. The Assembly announces the competition for the election of Council members in written and electronic media and in the official language. The relevant committee of the Assembly (hereinafter: the Committee) determines the competition criteria for the election of a member. The duration of the competition cannot be shorter than fifteen (15) days or longer than twenty (20) days. After the deadline specified in paragraph 4 of this article expires, the Committee, within fifteen (15) days, evaluates whether the candidates meet the conditions to be elected as Council members and rejects applications that do not meet the criteria set in the competition. The Committee conducts interviews with each candidate who meets the requirements to be elected as a Council member and, based on the submitted information and interview results, prepares a shortlist of candidates. The list for the Assembly session includes two (2) candidates for each position. The Assembly elects Council members through a secret ballot. If, in the first round, the candidates proposed by the relevant Committee of the Assembly do not receive the majority of votes from all present and voting deputies, then in the second round, the candidate with the highest number of votes is considered elected. The dismissal of members elected by the Assembly is carried out by the Assembly with the majority of votes of all deputies, upon the proposal of the relevant Committee or the Council.	The election procedure is regulated by the Law on the Kosovo Prosecutorial Council (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709) and Regulation on the election of prosecutorial members of the Council (https://www.prokuror rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/AkteNenLigjore/Udh%C3%ABzuesit/Rregullore/Rregullore%20Nr.06.2020%20-%20p%C3%ABr%20Zgjedhjen%20e%20an%C3%ABtar%C3%ABve%20prokuror%C3 Regarding the KPC prosecutor members, each prosecution office has its representative as KPC member, except for the Chief state prosecutors who is a member of KPC ex-officio. Regarding the selection of KPC prosecutor membe the term of the KPC member. The announcement contains all necessary information and criteria. Then, KPC establishesthe election committee. The committee then informs the Chief prosecutors of each prosecution office where the procedures, who then informs all prosecutors of their respective prosecution office. The prosecutors interested in running for the position, present their candidacy in writing or through email to the KPC election committee no later than The election committee then assesses whether the candidates fulfil the criteria as specified by law. If a candidate does not fulfil the criteria, the election committee shall render a decision within 5 days for not accepting the candidacy. decision. The KPC shall review the complaint within 5 days from the day the complaint was received. In case the KPC rejects the complaint, respectively if it approves it, KPC then publishes the final list of candidates for each prosecu The candidates are voted by the prosecutors of the respective prosecution office. Each prosecutor of the respective prosecution office has the right to participate in the voting, including prosecutors who are full term in KPC. The votin representative of that prosecution. The voting process can start only if at least 51% of prosecutors of the respective prosecution office are present. Voting is secret and the voting list contains the names of the candidates nominated fo voting list. In case 2 or more candidates have equal votes the voting shall be repeated only for those candidates. If the candidates even after the second round have equal votes, the election shall be done by lot between those candidat If the election committee finds that gender and ethnic representation has not been achieved, as specified in Article 4 of the Regulation on election of KPC members, then the KPC will apply the rule according to which female candidat percentage of votes, in proportion to the total number of prosecutors in that respective prosecution office, are elected KPC members with priority. In case the candidates have the same votes or the same percentage then the election i representation is met in KPC, reviews the results for other members. The prosecutor who secures the most votes from the voting list will be elected a member of the KPC by the relevant prosecution office. Upon completion of the election process, the election committee shall submit a report to the KPC on the nomination and election procedures. The report, besides all information regarding the entire process, shall contain a recommend of the election committee, KPC may determine that the nomination and election process must be repeated. The basis for such a decision shall be clearly stated. KPC may decide to cancel the vacancy or repeat the voting process eve report or based on other information, it assesses that the candidates elected or the voting process was not done in accordance to the law. Such a decision must by justified. Regarding the 3 non-prosecutor KPC members, the whole procedure is done by Kosovo Assembly. 1. The procedure for the election of members of the Council by the Assembly begins six (6) months before the expiry of the mandate 2. Notwithstanding paragraph 1 of this Article, when the mandate expires prematurely, as determined by this law, the procedure for the election of the member begins within thirty (30) days from the day the position is vacated. 3. The Assembly opens the vacancy announcement for the election of Council members in written and electronic media and in the official languages. 4. The relevant Assembly Committee (hereinafter: the Committee) shall set out the vacancy announcement requirements for the election of members. The vacancy announcement cannot be shorter than fifteen (15) days or longer tha 5. After the expiration of the vacancy announcement provided for in paragraph 4 of this Article, the Committee shall, within a period of fifteen (15) days, assess whether candidates meet the requirements to be elected members of the defined in the vacancy notice. 6. The Committee conducts an interview with each candidate who meets the requirements for being elected member of the Council, on the basis of the received information and the results of the interview, prepares a shortlist of candi 7. The Assembly elects the Council members through a secret voting. 8. The list for the Assembly session consists of two (2) candidates for one (1) position. 9. If in the first round the candidates proposed by the respective Committee of the Assembly do not receive the majority of votes of all members of the Assembly that are present and vote, then in the second round the candidate with t

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Table 11.1.3 Existence of selection criteria for non-judge/non-prosecutors members in 2024 (Q268)

Beneficiaries	Existence of selection criteria for non-judge/non-prosecutor members in the council(s)
Albania	
Bosnia and Herzegovina	
Montenegro	
North Macedonia	
Serbia	
Kosovo*	

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 11.1.4 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2024 (Q269 and Q270)

Beneficiaries	Term of office as member of the council (in years)			Conditions for the term of office of members of the Council(s)								
				Single Council competent for both judges and prosecutors			Council only for judges			Council only for prosecutors		
	Single Council competent for both judges and prosecutors	Council only for judges	Council only for prosecutors	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure
Albania	NAP	5	5									
Bosnia and Herzegovina	4	NAP	NAP									
Montenegro	NAP	4	5									
North Macedonia	NAP	6	4									
Serbia	NAP	5	5									
Kosovo*	NAP	5	5									

Yes
No
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 11.1.5 Accountability measures and competences of the Council(s) for the judiciary in 2024 (Q273 and Q274)

Beneficiaries	Accountability measures in place regarding the activities of the Council(s)												Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor			
	Single Council competent for both judges and prosecutors				Council only for judges				Council only for prosecutors				Single Council competent for both judges and prosecutors		Council only for judges	Council only for prosecutors
	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	For judges	For prosecutors		
Albania																
Bosnia and Herzegovina																
Montenegro																
North Macedonia																
Serbia																
Kosovo*																

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 11.1.6 Different competences of the Council(s) in 2024 (Q271)

Beneficiaries	Different competences of the Council(s) in 2024		
	Single council for the judiciary	Council for judges only	Council for prosecutors only
Albania	NAP	The High Judicial Council shall exercise the following powers: a) Appoints, evaluates, promotes and transfers judges of all levels; b) Decides on disciplinary measures on judges of all levels; c) Proposes to the President of the Republic candidates for judges of the High Court, in accordance with the law; ç) Approves the rules of judicial ethics and monitors their observation; d) Directs and manages the administration of the courts with the exception of the management of the information technology structure of the courts, which is regulated upon decision of the Council of Ministers; dh) Proposes and administers its own budget and the budget of the courts; e) Informs the public and the Assembly on the state of the judicial system; ë) Exercises other powers defined by law.	In accordance with the Law no. 115/2016 “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council, in the plenary session, exercises the following competencies: a) appoints, evaluates, promotes and transfers prosecutors of all levels; b) imposes disciplinary measures on prosecutors of all levels; c) proposes to the Assembly the candidates for General Prosecutor, in accordance with the legislation in force; ç) approves the rules for the ethics of prosecutors and supervises them; d) proposes and administers its budget; dh) informs the public and the Assembly about the situation of the prosecution; e) adopts normative bylaws, in implementation of this law or other laws, with a general binding effect on all prosecutors; ë) approves the acts for the regulation of the internal procedures of the Council; f) approves the Code of Ethics of the Council; g) reviews, as the case may be, the decisions of the commissions; gj) approves non-binding instructions; h) approves the detailed rules for the functioning of the administration of the Council;
Bosnia and Herzegovina	In accordance to the Law on the HJPC (Article 17), the Council has the following competencies: (1) Appointment of judges, including Court Presidents, lay judges and reserve judges in all courts at the State, Entity, Cantonal, District, Basic and Municipal levels in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina, but excluding the Constitutional Courts of the State and Entities of Bosnia and Herzegovina; (2) Appointment of Chief Prosecutors, Deputy Chief Prosecutors and prosecutors in all prosecutors’ offices at the State, Entity, Cantonal and District levels in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina; (3) Making proposals to the relevant authorities in relation to, their proposal and election of judges to the Constitutional Court of Republika Srpska and their nomination of judges to the Constitutional Court of the Federation of Bosnia and Herzegovina. When exercising its competence under this paragraph, the Council shall seek a written opinion of the relevant Constitutional Court before it makes its proposal; (4) Receiving complaints against judges	NAP	NAP

Table 11.1.6 Different competences of the Council(s) in 2024 (Q271)

Beneficiaries	Different competences of the Council(s) in 2024		
	Single council for the judiciary	Council for judges only	Council for prosecutors only
Montenegro	NAP	1) Decide on disciplinary liability of judges and court presidents; 2) Provide for the use, functionality and uniformity of the judicial information system, in the part referring to the courts; 3) Take care of the training of judges and court presidents; 4) Keep records of data on judges and court presidents; 5) Consider complaints against the work of judges and court presidents; 6) Inspect complaints of judges and take positions regarding threats to their independence and autonomy; 7) Propose framework criteria on the necessary number of judges and other civil servants and state employees in courts; 8) Issue opinions on the incompatibility of performing certain duties with the exercise of judicial office; 9) Form the Commission for Appraisal of Judges; 10) Appoint the disciplinary prosecutor; 11) Adopt the Rules of Procedure of the Judicial Council; 12) Determine the methodology for preparation of reports on work of courts and the annual work distribution in court; 13) Issue official identity cards of judges and court presidents and keep records of official identity cards; 14) Issue opinions on draft regulations in the field of judiciary; 15) Perform other tasks prescribed by law.	The Constitution of Montenegro Article 136The Prosecutorial Council shall secure the independence of the state prosecution and the state prosecutors. The Prosecutorial Council shall be elected and dismissed from duty by the Parliament. The election, mandate, responsibilities, organization and manner of work of Prosecutorial Council shall be regulated by the law. Law on State Prosecutor's Office Article 37 In addition to the duties stipulated in the Constitution, the Prosecutorial Council shall also carry out the following duties: 1) establishing the number of state prosecutors; 2) establishing the proposal for dismissal of the Supreme State Prosecutor; 3) rendering decisions on disciplinary liability of the state prosecutors and heads of state prosecution offices; 4) being responsible for training of the state prosecutors and heads of the state prosecution offices; 5) ensuring use, functioning and uniformity of the Judicial Information System in its part that is related to the State Prosecution Service; 6) keeping records of data related to the state prosecutors and heads of state prosecution offices; 7) adopting the Rules of Procedure of the Prosecutorial Council; 8) issuing opinions on incompatibility of certain activities with the office of a state prosecutor; 9) considering complaints of the work of the state prosecutors and heads of state prosecution offices and take positions regarding any jeopardy to their independence; 10) considering complaints against the work of the state prosecutors and heads of state prosecution offices regarding the lawfulness of their work; 11) forming the Commission for Evaluation of Performance of State Prosecutors; 12) electing the disciplinary plaintiff; 13) adopting the methodology for developing the report on the operation of the State

Table 11.1.6 Different competences of the Council(s) in 2024 (Q271)

Beneficiaries	Different competences of the Council(s) in 2024		
	Single council for the judiciary	Council for judges only	Council for prosecutors only
North Macedonia	NAP	The Judicial Council shall have the competence to: -select and dismiss judges, -select and dismiss the presidents of the courts, -determine termination of the judicial office, -select and dismiss lay judges, -follow and assess the work of the judges, -to decide on the disciplinary responsibility of a member of the Council, -decide on the disciplinary liability of a judge, or president of court, -decide on revoking the immunity of a judge, -decide upon requests for approving detention for a judge, -nominate two judges of the Constitutional Court of the Republic of North Macedonia from among the judges, -examine the annual report of the Supreme Court of the Republic of North Macedonia regarding the determined fundamental principles and fundamental legal opinions upon issues of importance for the purpose of securing unity in the application of the laws, -decide on the temporary suspension of a judge from the judicial office, and a member of a council from performing the office of a member of a council, -determine the number of necessary judicial positions per courts, -review and assess the quarterly and annual reports on the work of the courts and to publish them publicly on its web-site, and, -act upon complaints by citizens and legal entities for the work of the judges, the presidents of the courts and the courts, -care for the reputation of the judges and the trust of the citizens in the judiciary, -submit an annual report on the work, -adopt the Rules of Procedure and other general acts regulating the work within its competence; -determine an orientation number of cases which should be decided by a judge monthly, and -carry out other activities determined by law.	Law on Council of Public Prosecutors Article 9 •to provide an opinion to the Government of the Republic of North Macedonia in relation to the proposal for appointment and dismissal of the Chief Public Prosecutor of the Republic of North Macedonia; •to select and dismiss public prosecutors; •to establish the termination of a public prosecutor's function and decide in second instance within the procedure for determination of disciplinary responsibility of public prosecutors; •to make decisions in regard of incompetent and unconscious performance of duties by a public prosecutor; •to monitor the work of public prosecutors based on the evaluation of their work according to the Law on the Public Prosecution Office; •to decide relative to temporary removal from duty of public prosecutors; •to act in regard to reports and complaints from citizens and legal entities regarding the work by public prosecutors; •shall decide upon a submitted request for disciplinary responsibility of a member of the Council; •shall adopt a decision enabling a member of the Council to carry out direct inspection of the work of the public prosecutors; •shall adopt a Code of Ethics for Public Prosecutors upon proposal by the Association of Public Prosecutors; •to establish the total number of public prosecutors in the public prosecution offices with a decision; •by the end of February of any current year, to establish the number of public prosecutorial vacancies with a decision, in the basic public prosecution offices for the following two years and to submit the decision to the Academy for Training of Judges and Prosecutors; •to review and evaluate the annual reports from the public prosecution offices; •to enact the Rules of Procedure; •to enact a decision for temporarily placing a public prosecutor's job and function on hold; •to issue and dispossess public prosecutors of their official identity cards;

Table 11.1.6 Different competences of the Council(s) in 2024 (Q271)

Beneficiaries	Different competences of the Council(s) in 2024		
	Single council for the judiciary	Council for judges only	Council for prosecutors only
Serbia	NAP	LAW ON THE HIGH COUNCIL OF THE JUDICIARY ("Official Gazette of the Republic of Serbia", No. 10/2023) II. JURISDICTION AND OPERATION OF THE COUNCIL Jurisdiction Article 17 The Council: 1.Elects judges and lay judges (jury members); 2.Decides on the termination of a judge's or lay judge's (jury member's) office; 3.Elects the president and vice president of the Council; 4.Appoints the acting president of the Supreme Court and the presidents of other courts; 5.Elects the president of the Supreme Court and the presidents of other courts; 6.Decides on the termination of the office of the president of the Supreme Court and the presidents of other courts; 7.Decides on the permanent transfer, temporary assignment, or posting of a judge; 8.Determines the number of judges and lay judges (jury members) for each court; 9.Decides on the removal of a judge, court president, or lay judge (jury member); 10.Decides on conflicts of interest regarding the performance of another office or private interests incompatible with the duties of a judge or lay judge (jury member); 11.Decides on appeals in the evaluation procedure of the performance of judges and court presidents; 12.Appoints the Disciplinary Prosecutor, their deputies, and members of the Disciplinary Commission, determines the conditions for appointment, termination of office, and the working methods and decision-making procedures within disciplinary bodies; 13.Decides on appeals in disciplinary proceedings; 14.Grants approval for the program of continuous training for judges and court staff and oversees its implementation; 15.Establishes the program for initial training of judges; 16.Adopts the Ethical Code; 17.Reviews and decides on the report of the Ethics Committee regarding compliance with the Ethical Code; 18.Decides on the existence of inappropriate influence on the work of a judge or court and	LAW ON THE HIGH COUNCI OF THE PROSECUTION ("Official Gazette of the Republic of Serbia", No. 10/2023) II. JURISDICTION AND OPERATION OF THE COUNCIL Jurisdiction Article 17 The Council: 1.Proposes to the National Assembly the election and termination of the office of the Supreme Public Prosecutor; 2.Elects Chief Public Prosecutors and Public Prosecutors; 3.Decides on the termination of the office of the Chief Public Prosecutor and Public Prosecutor; 4.Elects the president and vice president of the Council; 5.Appoints acting Supreme Public Prosecutor and acting Chief Public Prosecutors; 6.Decides on other matters related to the position of the Supreme Public Prosecutor, Chief Public Prosecutors, and Public Prosecutors in accordance with the law; 7.Elects members of the commission for deciding on complaints against mandatory instructions for work and conduct in individual cases, complaints against decisions on substitution, and complaints against decisions on devolutions; 8.Decides on the permanent transfer of the Chief Public Prosecutor and Public Prosecutors and the assignment of Public Prosecutors; 9.Determines the number of Public Prosecutors for each public prosecutor's office; 10.Decides on the removal of the holder of the public prosecutor's office; 11.Decides on conflicts of interest regarding the performance of another office, job, or private interest that is incompatible with the public prosecutor's office; 12.Decides in the evaluation procedure of the work of the Chief Public Prosecutor and Public Prosecutor; 13.Appoints the Disciplinary Prosecutor, their deputies, and members of the Disciplinary Commission, determines the conditions for appointment, termination of office, and the working methods and decision-making procedures within disciplinary bodies; 14.Decides on appeals in disciplinary proceedings; 15.Grants approval for the program of continuous training for Public Prosecutors and

Table 11.1.6 Different competences of the Council(s) in 2024 (Q271)

Beneficiaries	Different competences of the Council(s) in 2024		
	Single council for the judiciary	Council for judges only	Council for prosecutors only
Kosovo*	NAP	1.1. Decides on the organization, management, administration, and supervision of the functioning of the courts in accordance with the law; 1.2. Proposes to the President the appointment, reappointment, and dismissal of judges and ensures that all proposed candidates meet the criteria established by law, following the relevant legal procedures; 1.3. Proposes to the President the appointment and dismissal of the President of the Supreme Court of Kosovo, ensures that the proposed candidate meets the criteria established by law, and that the relevant procedures have been carried out; 1.4. Decides on the selection, appointment, and dismissal of the President of the Court of Appeals, the Presidents of the Basic Courts, and supervisory judges; 1.5. Ensures the implementation and supervision of criteria for admission to the judiciary, which must comply with the principles of merit, equal opportunities, gender equality, non-discrimination, and equal representation, based on a public competition and verification of candidates' capacity to act; 1.6. Decides on the announcement of competitions for judicial positions; 1.7. Decides on the organization of the examination for judicial candidates according to regulations approved by the Council; 1.8. Determines and supervises the implementation of criteria for the ethnic composition of the jurisdiction of the respective court and for filling vacant positions guaranteed for members of non-majority communities in Kosovo; 1.9. Decides on the number of judges in each jurisdiction; 1.10. Recommends the establishment of new courts and court branches in accordance with the Law on Courts; 1.11. Conducts judicial inspections; 1.12. Administers the judiciary; 1.13. Drafts and oversees the budget for the judiciary; 1.14. Decides on the promotion, transfer, and disciplinary actions of judges; 1.15. Establishes criteria for the regular evaluation of judges; 1.16. Decides on the case workload of the courts; 1.17. Ensures the efficient functioning of the courts;	Article 7 of Law on KPC (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709 1. The Council exercises the following duties and responsibilities: 1.1. decides on the organization, management, administration and oversight of the functioning of the Prosecution Offices according to the Law; 1.2. proposes to the President the appointment, reappointment and dismissal of prosecutors, and ensures that all proposed candidates meet the requirements established by law, according to relevant legal procedures; 1.3. proposes to the President the appointment and dismissal of the Chief State Prosecutor, and ensures that the proposed candidate meets the requirements established by law and that the respective procedures have been carried out; 1.4. decides on the appointment of Chief Prosecutors of Basic Prosecution Offices, Special Prosecution Office and Appellate Prosecution Office, in accordance with the Law on State Prosecutor and Law on Special Prosecution Office of the Republic of Kosovo; 1.5. ensures the implementation and oversights the requirements for admission to the prosecution office, which should be made in accordance with the principles of merit, equal opportunities, gender equality, non-discrimination and equal representation, on the basis of public vacancy and after verifying candidates' capacity to act; 1.6. announces public vacancies for prosecutors; 1.7. decides on organizing the exam for candidates for prosecutors according to the regulation approved by the Council determines the number of prosecutors for each prosecution office; 1.8. establishes and oversees the implementation of the criteria for the ethnic composition of the territorial jurisdiction of the respective prosecution office and for the filling of vacancies guaranteed for members of non-majority communities in Kosovo; 1.9. decides on the number of prosecutors in each prosecution office; 1.10. prepares, submits and supervises the budget of the State Prosecutor and Prosecutorial Council; 1.11. decides on the promotion, transfer and discipline of prosecutors; 1.12. sets the criteria for the evaluation of prosecutors, for the prosecution offices workload and for efficient functioning of prosecution offices, as well as controls and guarantees the assessment process and reviews prosecutors' appeals regarding assessment; 1.13. sets and oversees the criteria for defining policies, standards and guidelines regarding the training of prosecutors and other staff and overseeing the implementation of training and professional development of prosecutors by the Academy or other associations or training organizations; 1.14. approves

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Table 11.1.7 Operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by m

Beneficiaries	Operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members Council/Prosecutorial Council
Albania	On the Law “On the governance institutions of the justice system”, as amended is stipulated that the permanent commissions of the High Prosecutorial Council exercise their activity an specific areas. High Prosecutorial Council shall consist of the following permanent commissions: a)Commission on Strategic Planning, Administration and Budget; b)Disciplinary Commission; c)Ethical and Professional Activity Evaluation Commission; d)Career Development Commission. Each commission consists of three members. Two substitute members are appointed at each commission from other members of the Council. Appointment of members and substitute taking into account the need to ensure a fair distribution of the workload and compliance with requirements and reports between prosecutors and non-prosecutors members. A member of the Council may be a member of no more than 2 permanent commission. A member of the Council may not be head of more than one permanent commission. This rule d members and ad hoc commissions. The commissions elect the respective chairpersons at their first meeting by a majority of votes and on the proposal of the Head of the Council. The Head of the Council is the chairman he participates. Members of the Ethical and Professional Activity Evaluation Commission may not be members of the Career Development Commission. The Strategic Planning, Administration and Budget Commission is composed of 2 non-prosecutors and 1 prosecutor. The Disciplinary Commission is composed of 2 prosecutor membe member. The Ethical and Professional Activity Evaluation Commission is composed of 2 prosecutor members and 1 non-prosecutor member. The Career Development Commission co members and 1 non-prosecutor member.
Bosnia and Herzegovina	In accordance with the HJPC Law (Article 14), the Council acts and decides as a single body. Decisions are made by a majority vote of the members present and voting. The quorum re least 11 Council members. In matters on which the votes are divided, a vote shall be taken by roll call of the members, and the vote of the President or the Vice-President has the castir Council member who is present but abstains from voting, it will be deemed to have cast an abstention vote, and this abstention vote will not be included in the vote count. The Council may delegate certain decisions within its jurisdiction, with the exception of appointment decisions, to standing committees. The powers of standing committees to make dec complex issues (e.g. simpler queries on compatibility of functions, opinions on laws that are not systemic and organizational and do not regulate the status of judicial office holders, shorter absences from office etc). In disciplinary proceedings against judges and prosecutors, decisions are taken by the competent disciplinary commissions, as well as by the Council when in the third instance, the Cou against the decision of the second instance disciplinary commission. Members of the First Instance and the Second Instance Disciplinary Committees have the right to participate in the decision making process of the Council as a whole, unl requested for reasons other than their earlier participation in the decision on the same matter. In accordance with the Rules of Procedure of the HJPC, the Council members are required to inform the President of the Council on any possible conflict of interest it may arise during t the reasons for the exemption in writing or orally in the minutes of the Council session. If any the Council member considers that another member should be exempted from participating he/she informs the President of the Council on that issue. The Council member whose exemption is being discussed may participate in that discussion, or make a statement on the requ exemption, but may not vote on his/her own exemption. An exempted member of the Council may not participate in a proceeding or discussion related to the issue for which he/she was A member of the Council is obliged to resign from membership in the Council if he/she or his child, parent, adoptee, adoptive parent, and spouse or partner apply for a vacant position ir cases of presumed conflict of interest, a member of the Council is obliged to request his/her exemption from the panel for interviewing, from the procedure of nomination and appointme disciplinary procedure, fully and immediately upon learning of the existence of such circumstances. The existence of a conflict of interest in other situations not covered by the presume decided by the Council in each specific case. Compliance with the Rules on Conflict of Interests is ensured by its provision regulating that acting contrary to this act shall be considered as violation of impartiality and independence i

Table 11.1.7 Operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by m

Beneficiaries	Operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members Council/Prosecutorial Council
Montenegro	Judicial Council All commissions and other work bodies of the Council are composed, according to the law, of at least one of the ten Council members, which implies that each member has a seat in various commissions. The conclusions, decisions of the commissions are always forwarded to the Judicial Council for a final decision. Prosecutorial Council The Committees of the Prosecutorial Council have been formed for the purpose of more efficient exercise the competencies of the Prosecutorial Council, prescribed by the Constitution of Montenegro and the Law on the State Prosecutor's Office. The Committees of the Prosecutorial Council act and decide on a particular issue within their jurisdiction, and then submit their conclusions to the Prosecutorial Council, which makes the final decision. When forming committees, even distribution powers and avoidance of conflict of interest was taken into account. Thus, the commissions formed to determine possible accountability of state prosecutors (Disciplinary Council and Commission for the Code of Ethics) and commissions assessing the work of state prosecutors (i.e. the Council of State Prosecutors who, pursuant to Article 87 of the State Prosecutor's Office Act, determine the proposal for assessment score and the Commission for Assessment), have completely different members. Therefore, the key committees of the Prosecutorial Council do not have the same members. Law on State Prosecutor’s Office Article 18 A member of the Council from the ranks of state prosecutors, may not be: marital or extramarital partner or a relative of the member of the Parliament, member of Government of Monte Government) and the President of Montenegro in a straight line regardless of the level of kinship, in the lateral line to the second level of kinship and in-law kinship to the first level. Article 26 As a member of the Prosecutorial Council cannot be chosen the person who: 1) is a marital and extramarital partner or a relative of the member of the Parliament, member of Government of Montenegro or a person elected, nominated or appointed by the Parlam Montenegro or the Government, in a straight line regardless of the level of kinship, in the lateral line to the second level of kinship and in-law kinship to the first level; 2) is a member or political parties official (party presidents, members of the presidency, their deputies, members of executive and main committees), or a person who was directly electe served as a member of the Government, a member of Parliament or councilor in the last 5 years. 3) performed the function of prosecutor in the last eight years.

Table 11.1.7 Operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by m

Beneficiaries	Operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members Council/Prosecutorial Council
North Macedonia	Members of the both Councils are members on a professional base on a full time. The Judicial Council consists of 15 members: -the president of the Supreme Court of the Republic of N Minister of Justice are ex officio members, without the right to vote, and they not participate in the work of the Council sessions on which initiated procedure for determining responsibilit judge or president of a Court are being discussed and decided upon; -eight members of the Council are elected by the judges from among their ranks, three of the elected members are communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities is observed; -the As North Macedonia elects three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representative communities that are not in majority in the Republic of North Macedonia, and -two members of the Council are proposed by the president of the Republic of North Macedonia and electe Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. The Council President and his deputy are members with a voting right, elected by the Assembly, with at least 8 votes from the members with a voting right. This is one of the solutions to avoid an over-concentration of powers in judges). In proceedings for election of the member of the Judicial Council, the Judicial Council from among its members forms a three member Commission for preparation of the candid and Commission for Conducting Elections of Members of the Council from among the judges (Selection Commission). The Selection Commission consist of a president (elected by the the RNM), one member and his deputy (elected by Association of judges) and one member and his deputy (elected from among the representatives of the associations and foundations for more than five years in the field of human rights and rule of law). A member of the Commission for preparing the candidates list cannot be a member of the Selection Commission an election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as fo elected from the appellate region Skopje, -one member is elected from the appellate region Bitola, -one member is elected from the appellate region Gostivar, -one member is elected fr Štip, -one member is elected from the Supreme Court of the Republic of North Macedonia, - two members are elected from among the judges that belong to all the communities that are population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory and -one member is elected from among the judges that belong to a less than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory. The elections at the polling places are conduc formed on the base of a decision by the Election Commission. A candidate for a member of the Council cannot be a member of an Electoral Board. The Electoral Board consists of a pr from among the judges and/or expert associates from the court and their deputies. The Electoral Board submits the minutes with the results of the voting and the other electoral materia Commission within 24 hours after the closure of the voting. The Election Commission sums up the results of the polling place and determines the election results in the electoral units wi moment of closing the elections, and it has to ensure, through the web portal of the Council, that the public directly follows the summarizing of the election result. Each candidate and ea hours after the end of the voting to submit an objection to the Election Commission about the course of voting, about the procedure for summing up and determining the results of the vo the right to vote in the procedure during the conduct of the voting. The Election Commission is obliged to make a decision within 12 hours after the receipt of the complaint. Against the Commission, within 24 hours from the receipt of the decision, may submit lawsuit for initiation of an administrative dispute before the competent court. Regarding the lawsuit, the court d from the day of its receipt. A member of the Council during his term of office may not be elected as a judge, a judge in a higher court or a president of a court or judge of the Constitutio North Macedonia. The Council elects a judge of a basic court from the list of candidates, submitted by the Academy for Judges and Public Prosecutors that applied on the announceme year of completion of the training and the achieved success, as well as the results of the interview conducted by Council. Public prosecutor's Council (the Council) is an independent bo
Serbia	NAP
Kosovo*	The law on conflict of interest and the code of ethics of both councils specify that a Council(s) member shall act at all times in a manner that promotes public confidence

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Indicator 11-Council for the judiciary/ Prosecutorial Council

by country

Question 266. What is the composition of the Council(s)? Please specify the number of members from relevant bodies/institutions?
Question 267. What is the procedure to appoint the different members of the Council(s):
Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?
Question 269. What is the term of office of the members of the Council(s) in years?
Question 270. Conditions for the term of office of members of the Council(s)?
Question 271. Please describe the different competences of the Council(s)
Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?
Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Albania

Q266 (General Comment): As for the election and appointmend of the members who are not judges or prosecuters the constitutions provides that 5 members are elected by the Assembly in a procedures prescribed by the constitutions and law. Two lay members are elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates and one member from civil society. Hence, in the response to the questions, each of these options has been completed.
The procedure for electing laymembers is as follows:
2. The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges.
3. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.
4. Two lay members shall be elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates, and one member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, shall announce the vacancies in accordance with the law.
5. The Secretary General of the Assembly, not later than 10 days from the submission candidatures, shall verify if the candidates fulfil the criteria foreseen in the Constitution and the law and shall assess the professional and moral criteria for the member of the High Judicial Council and shall prepare the list. In case the candidates do not fulfil the criteria and conditions to be elected, the Secretary
General of the Assembly shall not include their names in the list.
6. The Secretary General of the Assembly, upon completion of the verification, shall immediately send the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article. 7. The standing committee responsible for legal affairs in the Assembly shall establish a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, three members nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list of candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee shall select the candidates with the support of at least 4 members. In case the required majority cannot be reached, the candidates shall be selected by lot.
8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Speaker of the Assembly. Within ten days, the Assembly shall approve the list of candidates by two-thirds of all the members. In case the list is rejected, the procedure shall be repeated in the subcommittee under paragraph 7 of this Article, but not more than two times. In case the Assembly shall, after conducting the procedure for the third time, not approve the presented list, the candidates of this list shall be deemed elected. Detailed procedures shall be regulated by law.
9. The Chairperson of the High Judicial Council shall be elected at the first meeting of the Council from among the lay members in accordance with the law. 10. Members of the High

Q266 (2024): The Parliament elects two members to propose from the ranks of lawyers. Two members to propose from the body of pedagogues faculties of law and the School of Magistrates. One member to propose from the civil society organizations who work in the field of justice system or human rights. – Law No. 115/2016.
Q266 (2023): The Parliament elects two members to propose from the ranks of lawyers. Two members to propose from the body of pedagogues faculties of law and the School of Magistrates. One member to propose from the civil society organizations who work in the field of justice system or human rights. – Law No. 115/2016.

Q267 (General Comment): Based on the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council is a collegial body, consisting of eleven members, who serve full-time. Six of the Council members are judges from all levels of the judiciary. The General Meeting of Judges of all levels elects 6 members of the High Judicial Council, according to the following report:a) three of the elected are first instance courts. At least 1 of them is a judge in a court of first instance outside Tirana;b) two of the elected are judges of the courts of appeal. At least 1 of them is a judge in an appellate court outside Tirana; c) one of the elected members is a judge at the High Court. The chair of the High Court announces the call for the expression of interest by judges interested in the position of a member of the High Judicial Council. Within 15 days of the announcement of the call for the expression of interest, the concerned prosecutors shall express their interest in a written request to the chair. Within the deadline for submission of expressions of interest, the chair of the High Court shall verify the fulfilment of the conditions by the candidates, according to the provisions of this law. Appeals against decisions to exclude candidates only for serious procedural violations are made to the Administrative Court of Appeal no later than 5 days from the date of notification of the decision. Not later than two months before the expiry of the term of office of the Members of the High Judicial Council in office, the chair of the high court convenes the General Meeting of Judges of all levels to elect the members of the Council. The voting for the election of members of the High Judicial Council from the General Meeting of Judges is secret and individual. At the conclusion of the voting process, under the responsibility of the chair of the High Court, members of the voting committee open the ballot boxes in the presence of all judges attending the meeting, count the votes and announce the preliminary election result. Complaints for violation of procedure related to convening the General Meeting of Judges, verification of participation, voting and counting of votes, ascertaining and declaring invalid and declaring the result during the General Meeting of Judges for the election of Council members of the High Judicial Council shall be filed with the Administrative Court of Appeal no later than 5 days from the day the decision is published on the official website of the High Court.”

Q268 (General Comment): The other five members of the Council (in total are 11 members) are non-judge/non-prosecutor, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria. The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:
a) to be Albanian nationals;
b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
c) be lawyers licensed under the law;
ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;
e) have no disciplinary measure in force;
h) have not previously been convicted by a final court decision of committing a criminal offense;
f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
k) not to be collaborators, informants or agents of any intelligence service;
h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.
Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council. The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates. These candidates must meet the following requirements:
a) to be Albanian nationals;
b) have not less than 15 years of professional experience as a lawyer;
c) at the time of candidacy, to be full-time lecturers not less than 5 years in the law faculty of a higher education institution or internal

Q268 (2024): The other 5 members of the Council (in total are 11 members) are non-judges/non-prosecutors, selected from the ranks of lawyers (2), law professors (2) and civil society (1). These members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly of Albania, based on a preliminary assessment process of legal conditions and criteria.
The 2 lawyers (bar association) applying for the position of a member of the High Prosecutorial Council must meet the following requirements:
a) to be Albanian nationals;
b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
c) be lawyers licensed under the law;
ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;
e) have no disciplinary measure in force;
h) have not previously been convicted by a final court decision of committing a criminal offense;
f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
k) not to be collaborators, informants or agents of any intelligence service;
h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.
Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.
The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.
These candidates must meet the following requirements:
a) to be Albanian nationals;
b) have not less than 15 years of professional experience as a lawyer;

Q268 (2023): The other five members of the Council (in total are 11 members) are non-judges/non-prosecutors, selected from the ranks of lawyers (2), law professors (2) and civil society (1). These members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly of Albania, based on a preliminary assessment process of legal conditions and criteria.
The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:
a) to be Albanian nationals;
b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
c) be lawyers licensed under the law;
ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;
e) have no disciplinary measure in force;
h) have not previously been convicted by a final court decision of committing a criminal offense;
f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
k) not to be collaborators, informants or agents of any intelligence service;
h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.
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The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.
These candidates must meet the following requirements:
a) to be Albanian nationals;
b) have not less than 15 years of professional experience as a lawyer;

Q268 (2021): The other five members of the Council (in total are 11 members) are non-lawyer lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria.
The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:
a) to be Albanian nationals;
b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
c) be lawyers licensed under the law;
ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;
e) have no disciplinary measure in force;
h) have not previously been convicted by a final court decision of committing a criminal offense;
f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
k) not to be collaborators, informants or agents of any intelligence service;
h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.
Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.
The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.
These candidates must meet the following requirements:
a) to be Albanian nationals;
b) have not less than 15 years of professional experience as a lawyer;

Q269 (General Comment): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.
Q270 (General Comment): As per article 3.4, Law 115/2016 “The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election”.
Q270 (2024): The members of the High Judicial Council are appointed for a 5-year term, without no right to consecutive re-election.
Q270 (2023): The members of the High Judicial Council are appointed for a 5-year term, without no right to consecutive re-election.

Q274 (General Comment): According to Article 185, of the Law “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.
The justice system in the Republic of Albania is governed based on the principles of independence, accountability, transparency, and efficiency. The Council has the obligation to react publicly and take any legal action to protect the independence or impartiality of a judge.
Q274 (2024): In addition to the publication of reports and reasoned decisions, on the website of the High Prosecutorial Council are published regularly the agenda and detailed announcements after each plenary meeting where are reflected the results of each meeting and the decisions taken by the Council. Also, full audio registering of the plenary meeting is published within 24 hours. The relevant links are below: https://klp.al/category/aktivitete/ https://klp.al/category/seanca-plenare/ The Council, ex officio or based on the requests of judges, may make public statements to protect certain judges when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private subject.
The magistrate and his/her family shall, during or because of the exercise of the function, benefit specific state protection for life, health and assets. The magistrate who is no longer in the office or has retired shall enjoy this special protection if he/she/requests it, as well as in case of endangerment due to a previous exercise of the function as magistrate. 2. If the life, health or property of the magistrates or the magistrate’s family is endangered, the state shall provide special protection, as well as physical protection, under the criteria and procedures set out by a decision of the Council of Ministers, following a consultation with Councils

Q274 (2023): HPC - According to Article 185, of the Law no. 115/2016 “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defence of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.
HJC - The Council, ex officio or based on the requests of judges, may make public statements to protect certain judges when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private subject.
The magistrate and his/her family shall, during or because of the exercise of the function, benefit specific state protection for life, health and assets. The magistrate who is no longer in the office or has retired shall enjoy this special protection if he/she/requests it, as well as in case of endangerment due to a previous exercise of the function as magistrate. 2. If the life, health or property of the magistrates or the magistrate’s family is endangered, the state shall provide special protection, as well as physical protection, under the criteria and procedures set out by a decision of the Council of Ministers, following a consultation with Councils

Q274 (2021): According to Article 185, of the Law “On the governance institutions of the justice system”, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

Bosnia and Herzegovina

Q266 (General Comment): There is a single regulatory body in Bosnia and Herzegovina (BiH), the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected.

Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

The HJPC consists of 15 members as follows:

1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that 4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the prosecutors of that Office;
9. one (1) member who is a prosecutor from a Cantonal level prosecutor's office of the Federation of BiH, elected by the Cantonal prosecutors;
10. one (1) member who is a prosecutor from a District level prosecutor's office of the Republika Srpska, elected by the district prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska; 14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Council of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Q266 (2019): There is a single regulatory body in BiH, the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.
The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.
The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected. Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.
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1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the prosecutors of that Office;
9. one (1) member who is a prosecutor from a Cantonal level prosecutor's office of the Federation of BiH, elected by the Cantonal prosecutors;
10. one (1) member who is a prosecutor from a District level prosecutor's office of the Republika Srpska, elected by the district prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska; 14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Counci of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.
Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Q268 (General Comment): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure, and defines the basics of the procedure for selection of HJPC members.

Q268 (2024): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina. In addition, a member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina. Finally, two members of the HJPC who are lawyers are elected by the Entity Bar Chambers.
The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules and also by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure and defines the basics of the procedure for selection of HJPC members.

Q268 (2023): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.
Also, one member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.
Q268 (2022): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.
Also, One member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.
Q268 (2021): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.
Also, One member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.
Q268 (2019): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure, and defines the basics of the procedure for selection of HJPC members.

Q270 (General Comment): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. One year after the end of the Council Member's mandate, he/she may not apply or be elected to vacant positions in the judiciary which would constitute a career advancement, including the Constitutional Court of the Federation of Bosnia and Herzegovina and the Constitutional Court of Republika Srpska, and may not apply for vacant positions of chief disciplinary counsel or deputy in the Office of Disciplinary Counsel and the Director and the Deputy in the HJPC Secretariat. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall be four (4) years or until the expiration or termination of his/her mandate for other reasons. Only the President and up to three members work on a full-time basis in the HJPC.

Q270 (2019): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall be four (4) years or until the expiration or termination of his/her mandate for other reasons. Only the President and up to three members work on a full-time basis in the HJPC.

Q271 (General Comment): In accordance to the Law on the HJPC (Article 17), the Council has the following competencies:
(1) Appointment of judges, including Court Presidents, lay judges and reserve judges in all courts at the State, Entity, Cantonal, District, Basic and Municipal levels in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina, but excluding the Constitutional Courts of the State and Entities of Bosnia and Herzegovina;
(2) Appointment of Chief Prosecutors, Deputy Chief Prosecutors and prosecutors in all prosecutors' offices at the State, Entity, Cantonal and District levels in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina;
(3) Making proposals to the relevant authorities in relation to, their proposal and election of judges to the Constitutional Court of Republika Srpska and their nomination of judges to the Constitutional Court of the Federation of Bosnia and Herzegovina. When exercising its competence under this paragraph, the Council shall seek a written opinion of the

Q272 (General Comment): In accordance with the HJPC Law (Article 14), the Council acts and decides as a single body. Decisions are made by a majority vote of the members present and voting. The quorum requires the presence of at least 11 Council members. In matters on which the votes are divided, a vote shall be taken by roll call of the members, and the vote of the President or the Vice-President has the casting vote. In a case that the Council member who is present but abstains from voting, it will be deemed to have cast an abstention vote, and this abstention vote will not be included in the vote count. The Council may delegate certain decisions within its jurisdiction, with the exception of appointment decisions, to standing committees. The powers of standing committees to make decisions relate to less complex issues (eg simpler queries on compatibility of functions, opinions on laws that are not systemic and organizational and do not regulate the status of judicial office holders, shorter absences from office etc). In disciplinary proceedings against judges and prosecutors, decisions are taken by the competent disciplinary commissions, as well as by the Council when in the third instance, the Council decides on appeal against the decision of the second instance disciplinary commission. Members of the First Instance and the Second Instance Disciplinary Committees have the right to participate in the decision making process of the Council as a whole, unless their exemption is requested for reasons other than their earlier participation in the decision on the same matter. In accordance with the Rules of Procedure of the HJPC, the Council members are required to inform the President of the Council on any possible conflict of interest it may arise during their work, and must state the reasons for the exemption in writing or orally in the minutes of the Council session. If any the Council member considers that another member should be exempted from participating in the proceedings, he/she informs the President of the Council on that issue. In accordance with the HJPC Law (Article 10a) a conflict of interest for a Council Member shall be deemed to exist when a Council member or his/her blood relative in direct line of descent, the child of the spouse, a spouse or a civil-law partner, adoptive parent and adopted child, applies for a vacant position in the judiciary including the Constitutional Court of the Federation of Bosnia and Herzegovina and the Constitutional Court of Republika Srpska or a vacant position of a chief disciplinary counsel and deputy in the Office of Disciplinary Counsel or Director or Deputy Director in the HJPC Secretariat or in other situations in which a Council Member has a blood relative in the lateral line of descent, a relative-in-law or has close friendly, business or any other ties or a private interest which affects or may affect the legal, transparent, objective and impartial performance of official duty, i.e. in which a private interest is detrimental or may be detrimental to the public interest or public trust. If a Council Member applies to a vacant position his/her mandate shall be terminated. If a Council Member's relative or a person applies to the vacant position, the Council Member shall report it to the Council immediately upon learning about it and request recusal from the panel for conducting interview and the procedure for nomination and appointment of candidates. In the other cases which imply the existence of conflict of interest shall be regulated in more detail in the Council's Book of Rules.

Q273 (2019): The transparency of a work of the Council is ensured primarily by holding public sessions. Also, the first instance disciplinary proceedings against judicial office holders are generally transparent and public.
The HJPC regularly informs the public of its decisions, attitudes and activities, by publication of information and press releases. The HJPC also actively cooperates with journalists through the preparation and distribution of answers to media questions concerning the judiciary and the work of the HJPC.
The HJPC publishes reports on its work, as well as plans for future activities (strategic plan, action plans, annual work program, etc.).
The HJPC regularly processes the requests for free access to information relating to the work of the HJPC.
The HJPC organizes annual conferences for courts presidents and chief prosecutors, as well as thematic conferences which are open to journalists and to the public, and by which the public is informed about the work of the judiciary and other topics of interest to the judiciary and to the public.
Link for publications : https://vstv.pravosudje.ba/

Q274 (General Comment): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.
The criminal laws in BiH contain chapters dedicated to the judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.
The criminal laws contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties, are prescribed as criminal offenses.

Q274 (2019): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.
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Montenegro

Q266 (General Comment): CONSTITUTION OF MONTENEGRO (“Official Gazette of Montenegro”, No. 1/2007, 38/2013)
„Composition of the Judicial Council
Article 127
The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:
1) president of the Supreme Court;
2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the
Parliament upon announced public invitation;
4) Minister in charge of judicial affairs.“
The Law on Judicial Council and Judges specifies that the members of the Judicial Council from among the judges shall be: 1) three members from among the judges of the Supreme Court of Montenegro (hereinafter referred to as "the Supreme Court"), the Appellate Court of Montenegro (hereinafter referred to as "the Appellate Court"), the Administrative Court of Montenegro (hereinafter referred to as "the Administrative Court"), High Misdemeanour Court of Montenegro (hereinafter referred to as "the High Misdemeanour Court"), Commercial Court of Montenegro (hereinafter referred to as "the Commercial Court") and High Courts, having at least ten years of work experience as judges; 2) One member from among the judges of the Basic Courts and Misdemeanour Courts, having at least five years of work experience as judges (article 12). Moreover, the same legal provision provides for that a judge who received a grade of not satisfactory or who was pronounced a disciplinary sanction may not be appointed as a member of the Judicial Council from among the judges.
LAW ON STATE PROSECUTION SERVICE
(“Official Gazette of Montenegro”, No. 11/2015, 42/2015, 80/2017, 10/2018, 76/20 and 59/21)
„Composition of the Prosecutorial Council
Article 18
Prosecutorial Council shall have a president and ten members.
The Supreme State Prosecutor shall be the President of the Prosecutorial Council. The following shall be the members of the Prosecutorial Council:
1) four state prosecutors who have a permanent position and at least five years of work experience in performing the prosecutorial function, of which three from the Supreme State Prosecutor's Office, Special State Prosecutor's Office and higher state prosecutor's offices, and one from basic state prosecutor's offices elected and dismissed by the Conference of State prosecutors;
2) four reputable lawyers elected and dismissed by the Parliament of Montenegro (hereinafter: the Parliament), at the proposal of the competent working body;
3) one representative of the state administration body responsible for judicial affairs (hereinafter: the Ministry of Justice), appointed by the Minister of Justice from among the
Q266 (2023): The Parliament elects 4 members of the Judicial Council from the category "eminent lawyers" or "reputable lawyers". The same is for Prosecutorial Council.
Q266 (2022): The Parliament elects 4 members of the Judicial Council from the category "eminent lawyers" or "reputable lawyers". The same is for Prosecutorial Council.

Q267 (General Comment): 267/3 Unofficial translation.

Q268 (General Comment): JUDICIAL COUNCIL
A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be
appointed as a member of the Judicial Council from among eminent lawyers.
The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).
The deadline for applications by candidates shall be 15 days from the announcement of the public call.
On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.
The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.
PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office
"Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at least ten years of experience in law who has earned personal and professional reputation and if he/she is not convicted of an offence that makes him/her unworthy of discharging prosecutorial duties in accordance with this Law can be elected a Prosecutorial Council member from among eminent lawyers."

Q270 (General Comment): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.
Q273 (2024): Law on the State Prosecutor's Office "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024
Article 30-dismissal and Article 32 temporary removal

Q274 (General Comment): Judges shall adjudicate and decide independently and autonomously. The judicial office shall not be exercised under anyone's influence.
No one shall influence judges in the exercise of judicial office. Independence, autonomy, accountability and professionalism of courts and judges shall be provided by the Judicial Council.
State Prosecutor's Office: Article 136 of the Constitution of Montenegro CONSTITUTION OF MONTENEGRO (Official Gazette of Montenegro", No. 1/2007, 38/2013)
Council of Prosecutors Article 136
The Prosecution Council shall ensure the autonomy of the state prosecution. The Supreme State Prosecutor shall chair the Prosecution Council except in a disciplinary proceeding. The composition, election, mandate, organization and manner of work of the Prosecution Council shall be regulated by law. The Prosecution Council shall: 1) establish the proposal for the election of the Supreme State Prosecutor;
2) elect and release from the duty the heads of the state prosecution offices and state prosecutors; 3) establish the termination of the function of the heads of state prosecution offices and state prosecutors; 4) propose to the Government the amount of funds for the work of the state prosecution; 5) submit the Report on Performance of the State Prosecution to the Parliament; 6) perform other activities as defined by the law. The Prosecution Council shall make decisions by majority vote of all its members.

North Macedonia

Q266 (General Comment): LAW ON THE COUNCIL OF PUBLIC PROSECUTORS Commission for preparation of lists of candidates Article 18 (1) The Council, from among its members, shall form a three-member Commission for preparation of candidate lists. (2) The Commission shall prepare candidate lists out of the duly submitted candidacies of the candidates that fulfill the requirements referred to in Article 16 of this Law and shall submit them to the Council. (3) The candidate lists shall be prepared according to electoral units where only one candidate is elected, as follows: - as a general list for a candidate from the region of the Higher Public Prosecution Office in Bitola, polling place number 1, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Gostivar, polling place number 2, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Skopje, polling place number 3, - as a general list for a candidate from the region of the Higher Public Prosecutor's Office in Shtip, with election district number 4, - as a general list for a candidate from the region of the Public Prosecution Office of the Republic of North Macedonia, polling place number 5 and - as a single special list of candidates from among the public prosecutors that belong to all the communities that are not in majority of the population in the Republic of North Macedonia, for the whole territory of the Republic of North Macedonia, with polling places as for a general list.

Q266 (2024): The data is for the status for 2024.
Other - Two members of the Council shall be proposed by the president of the Republic of North Macedonia and formally elected by the Assembly of the Republic of North Macedonia.
For the Parliament column, just a small clarification, these members are proposed by the Commission for Elections and Appointments, which is a working body within the Parliament.
According to the Constitution and the Law on Judicial Council, Council consist of 15 members, out of whom: -the president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; -eight members of the Council shall be elected by the judges from among their ranks,
- three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; -the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and -two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. Members of the Council by function participate in the work of the Council without the right to vote.
According to the Article 16 of the Law on Judicial Council, in the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows: -one member is elected from the appellate region Skopje, -one member is elected from the appellate region Bitola, -one member is elected from the appellate region Gostivar, -one member is elected from the appellate region Štip,
-one member is elected from the Supreme Court of the Republic of North Macedonia, -two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory and -one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory. According to the Law on Council of Public Prosecutors, the Council of public prosecutors is composed of 11 members, of which:
- ex officio members of the Council are the public prosecutor of the Northern Republic
Macedonia,
- one member of the Council is elected by the public prosecutors in the Public Prosecutor's Office
of the Republic of North Macedonia, from its ranks,
- one member of the Council is elected by the public prosecutors from the areas of
the higher public prosecutor's offices of Bitola, Gostivar, Skopje and Shtip, from their ranks,
- one member of the Council belonging to a community that is not the majority in

Q266 (2023): According to the Constitution and the Law on Judicial Council, Council consist of 15 members, out of whom: -he president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; -ight members of the Council shall be elected by the judges from among their ranks,
- three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; -he Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and -wo members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. Members of the Council by function participate in the work of the Council without the right to vote.
According to the Article 16 of the Law on Judicial Council, in the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows: -ne member is elected from the appellate region Skopje, -ne member is elected from the appellate region Bitola, -ne member is elected from the appellate region Gostivar, -ne member is elected from the appellate region Štip,
-ne member is elected from the Supreme Court of the Republic of North Macedonia, -wo members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory and -ne member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory. According to the Law on Council of Public Prosecutors, the Council of public prosecutors is composed of 11 members, of which:
- ex officio members of the Council are the public prosecutor of the Northern Republic
Macedonia,
- one member of the Council is elected by the public prosecutors in the Public Prosecutor's Office
of the Republic of North Macedonia, from its ranks,
- one member of the Council is elected by the public prosecutors from the areas of
the higher public prosecutor's offices of Bitola, Gostivar, Skopje and Shtip, from their ranks,
- one member of the Council belonging to a community that is not the majority in
The Republic of North Macedonia is elected by all public prosecutors in the Republic
North Macedonia, from its ranks and
- four members of the Council are elected by the Assembly of the Northern Republic
Macedonia, from the university level
law professors, lawyers, former judges of the Constitutional Court, international

Q266 (2022): 1. Other>

1.1. Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the Parliament and 2 on the proposal of the President of the Republic of North Macedonia. The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.

1.2. Four members of the Council of Public Prosecutors are elected by the Parliament, from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges.

2. The system for election of the judge as a member of Judicial Council: 8 members of the Judicial Council shall be elected by the judges from among their ranks. The judge could be either from basic (primary) court or from appellate court, but she/he must fulfill the conditions and qualifications prescribed by the Law. It depends in concrete case: essential is that the judge must be from the court in the concerned appellate region, but he could be either as a judge at first instance court or as a judge at second instance court.

Law on Judicial Council

Election from appellate regions

Article 17

In the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows:

• one member is elected from the appellate region Skopje,
• one member is elected from the appellate region Bitola,
• one member is elected from the appellate region Gostivar,
• one member is elected from the appellate region Štip,
• one member is elected from the Supreme Court of the Republic of Macedonia,
• two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of Macedonia by all the judges that are registered in the Judicial Electoral Directory and
• one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of Macedonia by all the judges that are registered in the Judicial Electoral Directory.

Q266 (2021): - Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the Parliament and 2 on the proposal of the President of the Republic of North Macedonia. The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.
- 4 members of the Council of Public Prosecutors elected by the Parliament, are from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges.
The system for election of the member of Council (it is similar for the Judicial Council or for the Council of Public Prosecutors) among public prosecutors/judges. 4 of them (judges or public prosecutors) are elected from the courts/public prosecution offices that are part of the appellate regions (Skopje, Gostivar, Stip and Bitola). The judge could be either from basic (primary) court or appellate court, he/she must fulfill the conditions and qualifications prescribed by the Law. It depends in every concrete case, essential is that the judge or public prosecutor must be from the court/p.p. office in the concerned appellate region and he/she can be judge at basic or at appellate court.

Q268 (General Comment): 1. Criteria for non-judge members in the Judicial Council (article 11 - Law on the Judicial Council)
Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia or on a proposal of the President the Republic of North Macedonia - to be a citizen of the Republic of North Macedonia, - to be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,
- not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and
- has a reputation and integrity in the exercise of the office of a member of the Council.
The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.
2. Criteria for non-prosecutor members in the Council of Public Prosecutors (article 32 Law on the Public Prosecutors)
(1) A member of the Council elected by the Parliament may be a person who meets the following requirements:
- to be a citizen of the Republic of North Macedonia,
- to be Bachelor of law with at least 15 years of work experience in the legal profession, having passed the bar exam and has excelled in the performance of the legal profession with scientific or professional work or with their public action and - to not have been convicted by an effective court verdict of a criminal offense of abuse of official position and authorization in the performance of their function or other criminal offense of unconditional imprisonment of at least six months, thus rendering
them unworthy to perform the function of a member of the Council.
(2) The members of the Council elected by the Parliament shall be university professors of law, attorneys, former judges of the Constitutional Court, international judges and other prominent lawyers, two of whom shall be members of the non-majority communities in the Republic of North Macedonia.
Q269 (2023): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.
Q269 (2022): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.
Q269 (2021): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

Q270 (2024): According to the Article 7 of the Law on Judicial Council, the members of the Council elected by the judges have a six-year term of office with the right to another term after the expiration of at least six years following the termination of the previous term of office at the Judicial Council. The members of the Council elected by the Parliament of the Republic of North Macedonia have a six-year term of office with the right to another term. The term of office of the president of the Supreme Court of the Republic of North Macedonia and of the Minister of Justice in the Council shall cease upon termination of their functions. The term of office of the member who is elected at additional elections, due to early termination of the term of office of the member of the Council in whose place he is elected, shall last six years. According to the Law on Council of Public Prosecutors, the mandate of the members of the Council elected by the public prosecutors
lasts four years with the right to another election after the expiration of at least four years from the termination of the previous mandate in the Council. The mandate of the members of the Council elected by the Assembly lasts four years years with the right to another election. The mandate of a member of the Council who was elected in additional elections, due to premature termination of the term of office of a member of the Council in whose place he was elected, lasts four years. The elected members of the Council from among the public prosecutors, while their mandate in the Council lasts, their position as public prosecutor is suspended. A member of the Council shall cease to hold office upon termination of office and the mandate in the Council.
Q270 (2023): According to the Article 7 of the Law on Judicial Council, the members of the Council elected by the judges have a six-year term of office with the right to another term after the expiration of at least six years following the termination of the previous term of office at the Judicial Council. The members of the Council elected by the Parliament of the Republic of North Macedonia have a six-year term of office with the right to another term. The term of office of the president of the Supreme Court of the Republic of North Macedonia and of the Minister of Justice in the Council shall cease upon termination of their functions. The term of office of the member who is elected at additional elections, due to early termination of the term of office of the member of the Council in whose place he is elected, shall last six years. According to the Law on Council of Public Prosecutors, the mandate of the members of the Council elected by the public prosecutors
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Q273 (2024): http://sud.mk/wps/portal/ssrm/sud/odluki/!ut/p/z1/pY-9DoIwFEafxYHR3guFWtxYhKgJUyN2MUAqkFBKAG18e2E08Wfw277knOGAhAxkl9-bKp8a0-Xt_M-SXVjs-8gPeIzdlGMkUsHCZOeFCYPTN0AICvIPfwEWHz8swtmXv5A9yKbQxJaaIOEuDajHWeB7Pt8wdymMuoLyCuSgrmpQA7kNc3g9Tf24ddBBay2pjKlaRUqjHXyn1GacIHslodciw7UsHjZaPQFInDWh/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uri=nm%3Aoid%3AZ6_6G4408K0LG1O80AUOU69HF29H6
http://sjorm.gov.mk/odluki/

Q273 (2023): http://sud.mk/wps/portal/ssrm/sud/odluki/!ut/p/z1/pY-9DoIwFEafxYHR3guFWtxYhKgJUyN2MUAqkFBKAG18e2E08Wfw277knOGAhAxkl9-bKp8a0-Xt_M-SXVjs-8gPeIzdlGMkUsHCZOeFCYPTN0AICvIPfwEWHz8swtmXv5A9yKbQxJaaIOEuDajHWeB7Pt8wdymMuoLyCuSgrmpQA7kNc3g9Tf24ddBBay2pjKlaRUqjHXyn1GacIHslodciw7UsHjZaPQFInDWh/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uri=nm%3Aoid%3AZ6_6G4408K0LG1O80AUOU69HF29H6
http://sjorm.gov.mk/odluki/

Q273 (2021): The new Law on Council of public prosecutors form 2020 has a rule for reasoning decisions. Article 10 p.(6) The decisions of the Council must be reasoned and shall be published on the Council's website. Article 10-a p.(4) When the Council decides on the election of a public prosecutor of a public prosecutor's office or the election of a public prosecutor in a public prosecutor's office, the public may not be excluded in any case. (5) The Council shall draw up minutes of the voting on the decision referred to in paragraph (3) of this Article and shall publish them publicly on the Council's website. (6) Minutes shall be taken of the work at the session of the Council and the session shall be audio or audio-visually recorded. The adopted minutes shall be published on the Council's website. In practice, the Council still publishes only the decisions (without the part of explanation).

Q274 (General Comment): The Judicial Council of the Republic of North Macedonia is an autonomous and independent judicial body that ensure and guarantee the autonomy and independence of the judicial authority, through performing its function in accordance with the Constitution and the laws. According to article 11 of Law on courts, the judge shall decide impartially by applying the law on the basis of free evaluation of the evidence. Any form of influence on the independence, impartiality and autonomy of the judge in the exercise of the judicial office on any grounds and by any entity shall be prohibited.
The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, expect for cases provided by law. The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office. The judge cannot be a member of a managing or supervisory board of a trade company, or another legal entity established for the purpose of gaining profit. The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects. The Judge must not use his office or the reputation of the court to accomplish his personal interests. The judge cannot be a member or hold a political office within a political party or carry out political or party activity. In this case, The Judicial Council shall at the latest within ten days from the day of knowing of the fulfillment of these conditions determine the termination of the judicial office, except when the judicial function is in abeyance under conditions determined by law. The judge cannot accept gifts or enjoy privileges and conveniences during the exercise of the judicial office. According to articles 74 and 75 of Law on courts, the judge shall be dismissed from the judicial office due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law. Decision on dismissal of the judge shall be adopted by Judicial Council, if the violation is committed with the intention or apparent negligence by the fault of the judge without justified reasons and if the injury caused severe consequences. Serious disciplinary offences are:
1) gross influence and interference in the performance of the judicial function of another judge;
2) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.
In the exercise of the judicial office, the judges shall enjoy immunity. A judge cannot be held criminally liable for a stated opinion and manner of deciding during the adoption of a court decision. A judge cannot be taken in without an approval from the Judicial Council, unless caught in commission of a crime for which an imprisonment sentence in duration of at least five years is foreseen. The Judicial Council of the Republic of North Macedonia shall decide upon revocation of the immunity of judges. The procedure for deciding about revocation of a judge’s immunity shall be urgent. The judge shall be suspended from exercising the judicial office while in custody, or while the procedure for the crime for which an imprisonment sentence of at least five years is foreseen is ongoing. The judge shall be suspended from exercising the judicial office in case of initiated procedure for establishing liability, in accordance with law and when there are justified reasons for suspension from exercising judicial office. The decision to suspend the judge from exercising the judicial office shall be adopted by the Judicial Council of the Republic of North Macedonia.
According to the article 7 from the Law on PPO, the public prosecutor shall perform their function in a lawful, impartial and objective manner, shall respect and protect human and civil rights and freedoms, and the rights of other legal entities and within the scope of their competencies, they shall ensure the efficiency of the criminal prosecution.

Q274 (2023): Please, see the general comment.
Q274 (2022): Please, see the general comment.

Serbia
Q266 (General Comment): THE LAW
on the High Council of the Judiciary
("Official Gazette of RS", 10/2023)
Composition of the Council
Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
2. Selection of candidates chosen by the National Assembly
Article 43.
The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs.
Conditions for the election of a member of the CouncilArticle 44.
A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions:
1) that he meets the general requirements for working in a state body;
2) to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years;
3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW
ON THE HIGH COUNCIL OF THE PROSECUTION

Q266 (2024): THE LAW on the High Council of the Judiciary "Official Gazette of RS", number 10 of February 9, 2023
Composition of the Council Article 7.
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10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023)
Composition of the Council
Article 7

Q266 (2023): THE LAW
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7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW
ON THE HIGH COUNCIL OF THE PROSECUTION
("Official Gazette of RS", No. 10/2023)

Q267 (General Comment): THE LAW
on the High Council of the Judiciary
"Official Gazette of RS", 10/2023.
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A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions:
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7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
The Election of Candidate for the Member of the Council from Among the Judges

Q268 (General Comment): THE LAW
on the High Council of the Judiciary
("Official Gazette of RS", 10/2023)
Composition of the Council
Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
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3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW

Q268 (2024): THE LAW on the High Council of the Judiciary ("Official Gazette of RS", 10/2023)
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10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of thepublic prosecutor's office.
THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023)
Composition of the Council
Article 7
The Council has 11 members.
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Q268 (2023): THE LAW
on the High Council of the Judiciary
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3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
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7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW

Q268 (2021): The Law on High Judicial Council and the Law on State Prosecutorial Council prescribe that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.
There is no age limitations or gender quota.

Q269 (General Comment): The mandate of a member of the Councilc lasts for five years, except for the ex officio member.
An elective member of the Council cannot be re-elected to that position.

Q269 (2024): Ex off members
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Q270 (General Comment): An elective member of the Council cannot be re-elected to that position.
Q270 (2024): THE LAW ON THE HIGH COUNCIL OF THE JUDICIARY ("Official Gazette of RS", 10/2023) Rights from the employment relationship Article 13.
An elected member of the Council exercises rights from the employment relationship in the Council in accordance with the regulations governing the rights from the employment relationship of judges, unless otherwise specified by this law.
During the term of office, the rights of an elected member of the Council from the employment relationship that he exercised until the election as a member of the Council are suspended.
Exceptionally from paragraph 2 of this article, an elective member of the Council elected by the National Assembly, who is a teacher at the Faculty of Law, may exercise rights from employment at the Faculty of Law.
The mandate of a member of the Council lasts for five years, except for the ex officio member.
An elective member of the Council cannot be re-elected to that position.
THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023)
Rights from the employment relationship Article 13.
An elected member of the Council exercises rights from the employment relationship in the Council in accordance with the regulations governing the rights from the employment relationship of the holder of the office of public prosecutor, unless otherwise stipulated by this law.
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The mandate of a member of the Council lasts for five years, except for the ex officio member. An elective member of the Council cannot be re-elected to that position.

Q270 (2023): THE LAW
on the High Council of the Judiciary
("Official Gazette of RS", 10/2023)
Rights from the employment relationship
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THE LAW
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Exceptionally from paragraph 2 of this article, an elective member of the Council elected by the National Assembly, who is a teacher at the Faculty of Law, may exercise rights from employment at the Faculty of Law.
The mandate of a member of the Council lasts for five years, except for the ex officio member.
An elective member of the Council cannot be re-elected to that position.

Q270 (2022): The elective members may be re-elected, but not consecutively.
Q270 (2021): The elective members may be re-elected, but not consecutively.

Q271 (General Comment): Jurisdiction
Article 17
Advice:
1) elects judges and lay judges;
2) decides on the termination of the office of judge and lay judge;
3) elects the president and vice president of the Council;
4) appoints acting presidents of the Supreme Court and presidents of other courts;
5) elects the president of the Supreme Court and presidents of other courts;
6) decides on the termination of the office of the president of the Supreme Court and the president of other courts;
7) decides on the permanent transfer, temporary assignment or assignment of a judge;
8) determines the number of judges and lay judges for each court;
9) decides on the removal of a judge, court president and lay judge;
10) decides on the incompatibility of the performance of another job function or private interest with the function of judge and lay judge;
11) decides on the appeal in the evaluation procedure of the work of the judge and the president of the court;
12) appoints the Disciplinary Prosecutor, his deputies and members of the Disciplinary Commission, determines the conditions for appointment and the manner of termination of duties, the manner of work and decision-making in disciplinary bodies;
13) decides on the appeal in the disciplinary procedure;
14) approves the permanent training program for judges and court employees and supervises its implementation;
15) determines the initial training program for judges;
16) adopts the Code of Ethics;
17) considers and decides on the report of the Ethics Committee on compliance with the Code of Ethics;
18) decides on the existence of undue influence on the work of judges and courts and measures to prevent undue influence;
19) performs the work of the judicial administration within its jurisdiction;
20) decides on the immunity of a judge and an elected member of the Council;
21) proposes the scope and structure of budget funds and supervises their spending, in accordance with the law;
22) decides on an objection in the procedure of election for a member of the Council from the ranks of judges;
23) collects and analyzes statistical data and adopts annual and multi-year plans in order to efficiently manage the personnel, financial and material resources of the court;

Q273 (General Comment): Published activity reports
Published decisiions
Reasoned decisions

Q273 (2022): Annual Report of HJC, in Serbian:
https://vss.sud.rs/sites/default/files/attachments/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%92%D0%A1%D0%A1%20%D0%B7%D0%B0%202022.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf

Q274 (General Comment): According to Art 4 of Law on judges („Official Gazette of the Republic of Serbia“ No.10/ 23) a judge is required to preserve confidence in his independence and impartiality at all times. All state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.
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A judge is required to conduct proceedings impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, ensuring fair trial and compliance with procedural rights of parties guaranteed by the Constitution, ratified international treaties, laws, and the generally accepted rules of international law.
The Law on High Judicial Council prescribed that Council decides on the existence of undue influence on the work of judge and court, and measure to prevent such undue influence. According to Law on Judges a judge may submit a request with the High Judicial Council for protection against undue influence. The manner of submission of the request and the procedure against the request for protection against undue influence are regulated by Rulebook on the protection of judges and courts from undue influence.
In order to protect against any undue influence on the performance of the judicial function, the Council appointed one member of the Council from among the judges to proceed in cases of undue influence on the work of judge and court. The action of the elected member of the Council and the Council, in cases of undue influence, is regulated by Rulebook on the protection of judges and courts from undue influence („Official Gazette of the Republic of Serbia“ No.110/ 23)
During 2023, seven requests of judges for protection from undue influence were submitted to the Council, which were delivered to the competent judge. In two cases, a decision was made to suspend the proceedings, and for the other five, the proceedings are ongoing.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Prohibition of undue influence

Q274 (2024): According to Art 4 of Law on judges („Official Gazette of the Republic of Serbia“ No.10/ 23) a judge is required to preserve confidence in his independence and impartiality at all times. All state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.

Art 81

A judge is required to conduct proceedings impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, ensuring fair trial and compliance with procedural rights of parties guaranteed by the Constitution, ratified international treaties, laws, and the generally accepted rules of international law.

The Law on High Judicial Council prescribed that Council decides on the existence of undue influence on the work of judge and court, and measure to prevent such undue influence. ccording to Law on Judges a judge may submit a request with the High Judicial Council for protection against undue influence. The manner of submission of the request and the procedure against the request for protection against undue influence are regulated by Rulebook on the protection of judges and courts from undue influence.

In order to protect against any undue influence on the performance of the judicial function, the Council appointed one member of the Council from among the judges to proceed in cases of undue influence on the work of judge and court. The action of the elected member of the Council and the Council, in cases of undue influence, is regulated by Rulebook on the protection of judges and courts from undue influence („Official Gazette of the Republic of Serbia“ No.110/ 23)

During 2023, seven requests of judges for protection from undue influence were submitted to the Council, which were delivered to the competent judge. In two cases, a decision was made to suspend the proceedings, and for the other five, the proceedings are ongoing.

THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE

("Official Gazette of RS", No. 10/2023)

Prohibition of undue influence

Article 6

In order to preserve the authority and impartiality of the public prosecutor's office, undue influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of public positions, the media and public speaking, which influence the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.

The use of legally prescribed rights of participants in the proceedings, reporting on the work of the public prosecution in accordance with the regulations governing public information, as well as expert analysis of the actions of the public prosecution, cannot be considered under undue influence from paragraph 1 of this article.

The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecutor's Office, as well as to report such influence to the High Council of the Prosecutor's Office.

The holder of the office of public prosecutor may submit a request for protection against undue influence to the High Council of Prosecutors.

Q274 (2023): According to Art 4 of Law on judges („Official Gazette of the Republic of Serbia“ No.10/ 23) a judge is required to preserve confidence in his independence and impartiality at all times. All state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.
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A judge is required to conduct proceedings impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, ensuring fair trial and compliance with procedural rights of parties guaranteed by the Constitution, ratified international treaties, laws, and the generally accepted rules of international law.
The Law on High Judicial Council prescribed that Council decides on the existence of undue influence on the work of judge and court, and measure to prevent such undue influence. According to Law on Judges a judge may submit a request with the High Judicial Council for protection against undue influence. The manner of submission of the request and the procedure against the request for protection against undue influence are regulated by Rulebook on the protection of judges and courts from undue influence.
In order to protect against any undue influence on the performance of the judicial function, the Council appointed one member of the Council from among the judges to proceed in cases of undue influence on the work of judge and court. The action of the elected member of the Council and the Council, in cases of undue influence, is regulated by Rulebook on the protection of judges and courts from undue influence („Official Gazette of the Republic of Serbia“ No.110/ 23)
During 2023, seven requests of judges for protection from undue influence were submitted to the Council, which were delivered to the competent judge. In two cases, a decision was made to suspend the proceedings, and for the other five, the proceedings are ongoing.
THE LAW
ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Prohibition of undue influence

Q274 (2021): The Constitution of the Republic of Serbia in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent an responsivle only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibeted.
Art 153 prescribed that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.
According to Art 3 of Law on judges all state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.
At the session held on April 15, 2021. The High Judicial Council adopted Amendments to the Rules of Procedure of the High Judicial Council, which prescribes the manner of work and decision-making of the Council not only in cases of political influence on the judiciary - but also in cases of any influence on judges and judiciary (from media, lawyers, business community, civil servants and others).
At the session held on May 13, 2021 the High Judicial Council appointed a judge competent to act in cases of undue influence on judges and the judiciary.
The competent judge is in charge and authorized to: acts upon the requests of judges for protection against undue influence, examines the existence of undue influence expressed in public, through the media, social networks, at public gatherings or in any other public way, obtains the necessary evidence and information on the existence of undue influence, submits a reasoned proposal for convening a session of the Council to decide on the existence of undue influence, at the session of the Council, presents the factual situation and gives a proposal for a decision, cooperates with the competent institutions in conducting training of judges on recognizing and reacting to undue influence, proposes to the Council measures to prevent undue influence, cooperates with the Ethics Committee and disciplinary bodies, keeps records of all cases of undue influence and submits to the Council an annual report on the undue influence on judges and the judiciary.
An important new solution is that the competent judge has the authority to order to the person who is stated in the request to have committed an undue influence to respond to the allegations from the request for protection against undue influence within eight days, on its own initiative or at the proposal of the applicant to conduct a confidential interview with the applicant, as well as to request information and evidence from the court, other state bodies, public institutions, legal and natural persons.
Article 2 of Law on State Prosecutorial Council:
The Council is an independent body that ensures and guarantees the independence of public prosecutors and deputy public prosecutors.
Within its competence, the State Council cooperates with the High Judicial Council, state and other bodies and organizations, prosecutorial councils of other states and international organizations.

Kosovo*
Q266 (General Comment): The council consists of 13 members, 7 members will be judges elected by members of the judiciary, 2 judges of the Supreme Court, 2 judges of the Court of Appeal and 3 new judges of the Basic Court, and two (2) members elect the deputies of the Assembly from representatives of other communities, one of these two must be a judge, and two (2) members elect MPs from representatives of the Serbian community, at least one must be a judge.

Q266 (2024): Kosovo Prosecutorial Council comment: According to the law No. 06/L-056 on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 10 members (9 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo and 1 prosecutor of the Serbian community from the Basic prosecution office in Mitrovica has offered his resignation.
Kosovo Judicial Council comment: The Council, as defined by Article 108 of the Constitution, is composed of thirteen (13) members with professional qualifications and expertise. Members are appointed for a five (5) year term and are elected as follows:
1.1. Seven (7) members shall be judges elected by the members of the judiciary, as follows:
1.1.1. Two (2) judges from the Supreme Court;
1.1.2. Two (2) judges from the Court of Appeals;
1.1.3. Three (3) judges from the Basic Courts.
1.2. Two (2) members are elected by the deputies of the Assembly who hold seats gained during the general allocation of seats, and at least one of them must be a judge.
1.3. Two (2) members are elected by the deputies of the Assembly who hold the reserved or guaranteed seats for representatives of the Serbian community in Kosovo, and at least one of them must be a judge.
1.4. Two (2) members are elected by the deputies of the Assembly who hold the reserved or guaranteed seats for representatives of other communities, and at least one of them must be a judge. The 6 members elected by the Parliament are put in the section "Parliament," however they are not parliament members, but are elected by the parliament.

Q266 (2023): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 10 members (9 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo and 1 prosecutor of the Serbian community from the Basic prosecution office in Mitrovica has offered his resignation.

Q266 (2022): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 11 members (10 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo.
Q266 (2021): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 11 members (10 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo.

Q268 (General Comment): According to Article 10 points 3, 4, 5, 6, 7, 8, 9 and 10 of Law no. 06/L-055 on the Judicial Council of Kosovo
Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

Q268 (2024): KPC Comment: Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.
KJC comment: The Assembly announces the competition for the election of Council members in written and electronic media and in the official language.
The relevant committee of the Assembly (hereinafter: the Committee) determines the competition criteria for the election of a member. The duration of the competition cannot be shorter than fifteen (15) days or longer than twenty (20) days.
After the deadline specified in paragraph 4 of this article expires, the Committee, within fifteen (15) days, evaluates whether the candidates meet the conditions to be elected as Council members and rejects applications that do not meet the criteria set in the competition.
The Committee conducts interviews with each candidate who meets the requirements to be elected as a Council member and, based on the submitted information and interview results, prepares a shortlist of candidates.
The list for the Assembly session includes two (2) candidates for each position.
The Assembly elects Council members through a secret ballot.
If, in the first round, the candidates proposed by the relevant Committee of the Assembly do not receive the majority of votes from all present and voting deputies, then in the second round, the candidate with the highest number of votes is considered elected.
The dismissal of members elected by the Assembly is carried out by the Assembly with the majority of votes of all deputies, upon the proposal of the relevant Committee or the Council.

Q268 (2023): ccording to Article 10 points 3, 4, 5, 6, 7, 8, 9 and 10 of Law no. 06/L-055 on the Judicial Council of Kosovo
Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

Q268 (2021): Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

Q270 (2024): KPC comment: The Council members shall remain in office for a five (5) year mandate, without the right of re-election.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.
Q270 (2023): The Council members shall remain in office for a five (5) year mandate, without the right of re-election.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

Q270 (2022): Council members may not be re-elected for a second term.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

Q270 (2021): Council members may not be re-elected for a second term.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

Q273 (2024): Kosovo Prosecutorial Council comment: KPC meetings are transmitted live online, except when foreseen by law otherwise.
Kosovo Judicial Council comment: www.gjyqesori-rks.org
Q273 (2023): In each KPC meeting the media, civil society and international partners are invited to follow the meetings, except when foreseen by law otherwise.
Q273 (2022): www.gjyqesori-rks.org In each KPC meeting the media, civil society and international partners are invited to follow the meetings, except when foreseen by law otherwise.
Q274 (General Comment): Article 3 of Law on Kosovo prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709
The Council:
1.1. is a fully independent institution in the exercise of its functions in order to provide an independent, professional and impartial prosecutorial system as defined by the Constitution and by law;
1.2. ensures that the Prosecution Offices reflect the multi-ethnic nature of the Republic of Kosovo and takes the necessary measures in increasing the number of prosecutors from non-majority communities in Kosovo, in accordance with internationally accepted
gender equality principles;
1.3. ensures that all the persons have equal access to justice;
1.4. ensures that the Prosecution Offices respect the principles of non-discrimination and proportionality, as well as human rights and gender equality, guaranteed by the Constitution and international agreements and instruments applied in the Republic of Kosovo;
1.5. in exercising duties and competencies, the Council acts in a manner that respects and preserves the independence of prosecutors while they perform their prosecution functions. The Council shall not order or influence, attempt to influence or otherwise undertake any action or make any statement which could reasonably be considered as an interference or attempt to interfere with the independence of the prosecution function in relation to any person, investigation or subject.
Q274 (2023): Article 3 of Law on Kosovo prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709
Q274 (2021): Article 3 of Law on Kosovo prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709

Indicator 11-Council for the judiciary/ Prosecutorial Council

by question No.

Question 266. What is the composition of the Council(s)? Please specify the number of members from relevant bodies/institutions?
Question 267. What is the procedure to appoint the different members of the Council(s):
Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?
Question 269. What is the term of office of the members of the Council(s) in years?
Question 270. Conditions for the term of office of members of the Council(s)?
Question 271. Please describe the different competences of the Council(s)
Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?
Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 266

Albania

(General Comment): As for the election and appointmend of the members who are not judges or prosecuters the constitutions provides that 5 members are elected by the Assembly in a procedures prescribed by the constitutions and law. Two lay members are elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates and one member from civil society. Hence, in the response to the questions, each of these options has been completed.
The procedure for electing laymembers is as follows:
2. The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges.
3. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.
4. Two lay members shall be elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates, and one member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, shall announce the vacancies in accordance with the law.
5. The Secretary General of the Assembly, not later than 10 days from the submission candidatures, shall verify if the candidates fulfil the criteria foreseen in the Constitution and the law and shall assess the professional and moral criteria for the member of the High Judicial Council and shall prepare the list. In case the candidates do not fulfil the criteria and conditions to be elected, the Secretary
General of the Assembly shall not include their names in the list.
6. The Secretary General of the Assembly, upon completion of the verification, shall immediately send the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article. 7. The standing committee responsible for legal affairs in the Assembly shall establish a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, three members nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list of candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee shall select the candidates with the support of at least 4 members. In case the required majority cannot be reached, the candidates shall be selected by lot.
8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Speaker of the Assembly. Within ten days, the Assembly shall approve the list of candidates by two-thirds of all the members. In case the list is rejected, the procedure shall be repeated in the subcommittee under paragraph 7 of this Article, but not more than two times. In case the Assembly shall, after conducting the procedure for the third time, not approve the presented list, the candidates of this list shall be deemed elected. Detailed procedures shall be regulated by law.
9. The Chairperson of the High Judicial Council shall be elected at the first meeting of the Council from among the lay members in accordance with the law. 10. Members of the High

(2024): The Parliament elects two members to propose from the ranks of lawyers. Two members to propose from the body of pedagogues faculties of law and the School of Magistrates. One member to propose from the civil society organizations who work in the field of justice system or human rights. – Law No. 115/2016.

(2023): The Parliament elects two members to propose from the ranks of lawyers. Two members to propose from the body of pedagogues faculties of law and the School of Magistrates. One member to propose from the civil society organizations who work in the field of justice system or human rights. – Law No. 115/2016.

Bosnia and Herzegovina

(General Comment): There is a single regulatory body in Bosnia and Herzegovina (BiH), the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected.

Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

The HJPC consists of 15 members as follows:

1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that 4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and

Municipal court judges;

5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts

judges (including judges of the Higher Commercial and District Commercial Courts in RS);

6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the prosecutors of that Office;
9. one (1) member who is a prosecutor from a Cantonal level prosecutor's office of the Federation of BiH, elected by the Cantonal prosecutors;
10. one (1) member who is a prosecutor from a District level prosecutor's office of the Republika Srpska, elected by the district prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska; 14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Council of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

(2019): There is a single regulatory body in BiH, the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.
The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.
The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected. Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.
The HJPC consists of 15 members as follows:
1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the prosecutors of that Office;
9. one (1) member who is a prosecutor from a Cantonal level prosecutor's office of the Federation of BiH, elected by the Cantonal prosecutors;
10. one (1) member who is a prosecutor from a District level prosecutor's office of the Republika Srpska, elected by the district prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska; 14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Counci of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.
Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Montenegro

(General Comment): CONSTITUTION OF MONTENEGRO (“Official Gazette of Montenegro”, No. 1/2007, 38/2013)
„Composition of the Judicial Council
Article 127
The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:
1) president of the Supreme Court;
2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the
Parliament upon announced public invitation;
4) Minister in charge of judicial affairs.“
The Law on Judicial Council and Judges specifies that the members of the Judicial Council from among the judges shall be: 1) three members from among the judges of the Supreme Court of Montenegro (hereinafter referred to as "the Supreme Court"), the Appellate Court of Montenegro (hereinafter referred to as "the Appellate Court"), the Administrative Court of Montenegro (hereinafter referred to as "the Administrative Court"), High Misdemeanour Court of Montenegro (hereinafter referred to as "the High Misdemeanour Court"), Commercial Court of Montenegro (hereinafter referred to as "the Commercial Court") and High Courts, having at least ten years of work experience as judges; 2) One member from among the judges of the Basic Courts and Misdemeanour Courts, having at least five years of work experience as judges (article 12). Moreover, the same legal provision provides for that a judge who received a grade of not satisfactory or who was pronounced a disciplinary sanction may not be appointed as a member of the Judicial Council from among the judges.
LAW ON STATE PROSECUTION SERVICE
(“Official Gazette of Montenegro”, No. 11/2015, 42/2015, 80/2017, 10/2018, 76/20 and 59/21)
„Composition of the Prosecutorial Council
Article 18
Prosecutorial Council shall have a president and ten members.
The Supreme State Prosecutor shall be the President of the Prosecutorial Council. The following shall be the members of the Prosecutorial Council:
1) four state prosecutors who have a permanent position and at least five years of work experience in performing the prosecutorial function, of which three from the Supreme State Prosecutor's Office, Special State Prosecutor's Office and higher state prosecutor's offices, and one from basic state prosecutor's offices elected and dismissed by the Conference of State prosecutors;
2) four reputable lawyers elected and dismissed by the Parliament of Montenegro (hereinafter: the Parliament), at the proposal of the competent working body;
3) one representative of the state administration body responsible for judicial affairs (hereinafter: the Ministry of Justice), appointed by the Minister of Justice from among the

(2023): The Parliament elects 4 members of the Judicial Council from the category "eminent lawyers" or "reputable lawyers". The same is for Prosecutorial Council.

(2022): The Parliament elects 4 members of the Judicial Council from the category "eminent lawyers" or "reputable lawyers". The same is for Prosecutorial Council.

North Macedonia

(General Comment): LAW ON THE COUNCIL OF PUBLIC PROSECUTORS Commission for preparation of lists of candidates Article 18 (1) The Council, from among its members, shall form a three-member Commission for preparation of candidate lists. (2) The Commission shall prepare candidate lists out of the duly submitted candidacies of the candidates that fulfill the requirements referred to in Article 16 of this Law and shall submit them to the Council. (3) The candidate lists shall be prepared according to electoral units where only one candidate is elected, as follows: - as a general list for a candidate from the region of the Higher Public Prosecution Office in Bitola, polling place number 1, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Gostivar, polling place number 2, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Skopje, polling place number 3, - as a general list for a candidate from the region of the Higher Public Prosecutor's Office in Shtip, with election district number 4, - as a general list for a candidate from the region of the Public Prosecution Office of the Republic of North Macedonia, polling place number 5 and - as a single special list of candidates from among the public prosecutors that belong to all the communities that are not in majority of the population in the Republic of North Macedonia, for the whole territory of the Republic of North Macedonia, with polling places as for a general list.

(2024): The data is for the status for 2024.
Other - Two members of the Council shall be proposed by the president of the Republic of North Macedonia and formally elected by the Assembly of the Republic of North Macedonia.
For the Parliament column, just a small clarification, these members are proposed by the Commission for Elections and Appointments, which is a working body within the Parliament.
According to the Constitution and the Law on Judicial Council, Council consist of 15 members, out of whom: -the president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; -eight members of the Council shall be elected by the judges from among their ranks,
- three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; -the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and -two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. Members of the Council by function participate in the work of the Council without the right to vote.
According to the Article 16 of the Law on Judicial Council, in the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows: -one member is elected from the appellate region Skopje, -one member is elected from the appellate region Bitola, -one member is elected from the appellate region Gostivar, -one member is elected from the appellate region Štip,
-one member is elected from the Supreme Court of the Republic of North Macedonia, -two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory and -one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory. According to the Law on Council of Public Prosecutors, the Council of public prosecutors is composed of 11 members, of which:
- ex officio members of the Council are the public prosecutor of the Northern Republic
Macedonia,
- one member of the Council is elected by the public prosecutors in the Public Prosecutor's Office
of the Republic of North Macedonia, from its ranks,
- one member of the Council is elected by the public prosecutors from the areas of
the higher public prosecutor's offices of Bitola, Gostivar, Skopje and Shtip, from their ranks,
- one member of the Council belonging to a community that is not the majority in

(2023): According to the Constitution and the Law on Judicial Council, Council consist of 15 members, out of whom: -the president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; -eight members of the Council shall be elected by the judges from among their ranks,
- three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; -the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and -two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. Members of the Council by function participate in the work of the Council without the right to vote.
According to the Article 16 of the Law on Judicial Council, in the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows: -one member is elected from the appellate region Skopje, -one member is elected from the appellate region Bitola, -one member is elected from the appellate region Gostivar, -one member is elected from the appellate region Štip,
-one member is elected from the Supreme Court of the Republic of North Macedonia, -two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory and -one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory. According to the Law on Council of Public Prosecutors, the Council of public prosecutors is composed of 11 members, of which:
- ex officio members of the Council are the public prosecutor of the Northern Republic
Macedonia,
- one member of the Council is elected by the public prosecutors in the Public Prosecutor's Office
of the Republic of North Macedonia, from its ranks,
- one member of the Council is elected by the public prosecutors from the areas of
the higher public prosecutor's offices of Bitola, Gostivar, Skopje and Shtip, from their ranks,
- one member of the Council belonging to a community that is not the majority in
The Republic of North Macedonia is elected by all public prosecutors in the Republic
North Macedonia, from its ranks and
- four members of the Council are elected by the Assembly of the Northern Republic
Macedonia, from the university level
law professors, lawyers, former judges of the Constitutional Court, international

(2022): 1. Other>

1.1. Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the Parliament and 2 on the proposal of the President of the Republic of North Macedonia. The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.

1.2. Four members of the Council of Public Prosecutors are elected by the Parliament, from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges.

2. The system for election of the judge as a member of Judicial Council: 8 members of the Judicial Council shall be elected by the judges from among their ranks. The judge could be either from basic (primary) court or from appellate court, but she/he must fulfill the conditions and qualifications prescribed by the Law. It depends in concrete case: essential is that the judge must be from the court in the concerned appellate region, but he could be either as a judge at first instance court or as a judge at second instance court.

Law on Judicial Council

Election from appellate regions

Article 17

In the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows:

• one member is elected from the appellate region Skopje,
• one member is elected from the appellate region Bitola,
• one member is elected from the appellate region Gostivar,
• one member is elected from the appellate region Štip,
• one member is elected from the Supreme Court of the Republic of Macedonia,
• two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of Macedonia by all the judges that are registered in the Judicial Electoral Directory and
• one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of Macedonia by all the judges that are registered in the Judicial Electoral Directory.

(2021): - Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the Parliament and 2 on the proposal of the President of the Republic of North Macedonia. The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.
- 4 members of the Council of Public Prosecutors elected by the Parliament, are from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges.
The system for election of the member of Council (it is similar for the Judicial Council or for the Council of Public Prosecutors) among public prosecutors/judges. 4 of them (judges or public prosecutors) are elected from the courts/public prosecution offices that are part of the appellate regions (Skopje, Gostivar, Stip and Bitola). The judge could be either from basic (primary) court or appellate court, he/she must fulfill the conditions and qualifications prescribed by the Law. It depends in every concrete case, essential is that the judge or public prosecutor must be from the court/p.p. office in the concerned appellate region and he/she can be judge at basic or at appellate court.

Serbia

(General Comment): THE LAW
on the High Council of the Judiciary
("Official Gazette of RS", 10/2023)
Composition of the Council
Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
2. Selection of candidates chosen by the National Assembly
Article 43.
The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs.
Conditions for the election of a member of the CouncilArticle 44.
A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions:
1) that he meets the general requirements for working in a state body;
2) to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years;
3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW
ON THE HIGH COUNCIL OF THE PROSECUTION

(2024): THE LAW on the High Council of the Judiciary "Official Gazette of RS", number 10 of February 9, 2023
Composition of the Council Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
2. Selection of candidates chosen by the National Assembly Article 43.
The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs.
Conditions for the election of a member of the Council
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1) that he meets the general requirements for working in a state body;
2) to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or highereducation acquired at basic studies at the Faculty of Law for a duration of at least four years;
3) to have experience and knowledge relevant to the work of the judiciary;
4) that it is worthy to perform the function of a member of the
Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the
National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State; 8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023)
Composition of the Council
Article 7

(2023): THE LAW
on the High Council of the Judiciary
"Official Gazette of RS", number 10 of February 9, 2023.Composition of the Council
Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
2. Selection of candidates chosen by the National Assembly
Article 43.
The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs.
Conditions for the election of a member of the CouncilArticle 44.
A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions:
1) that he meets the general requirements for working in a state body;
2) to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years;
3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW
ON THE HIGH COUNCIL OF THE PROSECUTION
("Official Gazette of RS", No. 10/2023)

Kosovo*
(General Comment): The council consists of 13 members, 7 members will be judges elected by members of the judiciary, 2 judges of the Supreme Court, 2 judges of the Court of Appeal and 3 new judges of the Basic Court, and two (2) members elect the deputies of the Assembly from representatives of other communities, one of these two must be a judge, and two (2) members elect MPs from representatives of the Serbian community, at least one must be a judge.

(2024): Kosovo Prosecutorial Council comment: According to the law No. 06/L-056 on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 10 members (9 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo and 1 prosecutor of the Serbian community from the Basic prosecution office in Mitrovica has offered his resignation.
Kosovo Judicial Council comment: The Council, as defined by Article 108 of the Constitution, is composed of thirteen (13) members with professional qualifications and expertise. Members are appointed for a five (5) year term and are elected as follows:
1.1. Seven (7) members shall be judges elected by the members of the judiciary, as follows:
1.1.1. Two (2) judges from the Supreme Court;
1.1.2. Two (2) judges from the Court of Appeals;
1.1.3. Three (3) judges from the Basic Courts.
1.2. Two (2) members are elected by the deputies of the Assembly who hold seats gained during the general allocation of seats, and at least one of them must be a judge.
1.3. Two (2) members are elected by the deputies of the Assembly who hold the reserved or guaranteed seats for representatives of the Serbian community in Kosovo, and at least one of them must be a judge.
1.4. Two (2) members are elected by the deputies of the Assembly who hold the reserved or guaranteed seats for representatives of other communities, and at least one of them must be a judge. The 6 members elected by the Parliament are put in the section "Parliament," however they are not parliament members, but are elected by the parliament.

(2023): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 10 members (9 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo and 1 prosecutor of the Serbian community from the Basic prosecution office in Mitrovica has offered his resignation.

(2022): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 11 members (10 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo.

(2021): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 members according to the table above. However, at the moment the Council has 11 members (10 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo.

Question 267

Albania

(General Comment): Based on the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council is a collegial body, consisting of eleven members, who serve full-time. Six of the Council members are judges from all levels of the judiciary. The General Meeting of Judges of all levels elects 6 members of the High Judicial Council, according to the following report:a) three of the elected are first instance courts. At least 1 of them is a judge in a court of first instance outside Tirana;b) two of the elected are judges of the courts of appeal. At least 1 of them is a judge in an appellate court outside Tirana; c) one of the elected members is a judge at the High Court. The chair of the High Court announces the call for the expression of interest by judges interested in the position of a member of the High Judicial Council. Within 15 days of the announcement of the call for the expression of interest, the concerned prosecutors shall express their interest in a written request to the chair. Within the deadline for submission of expressions of interest, the chair of the High Court shall verify the fulfilment of the conditions by the candidates, according to the provisions of this law. Appeals against decisions to exclude candidates only for serious procedural violations are made to the Administrative Court of Appeal no later than 5 days from the date of notification of the decision. Not later than two months before the expiry of the term of office of the Members of the High Judicial Council in office, the chair of the high court convenes the General Meeting of Judges of all levels to elect the members of the Council. The voting for the election of members of the High Judicial Council from the General Meeting of Judges is secret and individual. At the conclusion of the voting process, under the responsibility of the chair of the High Court, members of the voting committee open the ballot boxes in the presence of all judges attending the meeting, count the votes and announce the preliminary election result. Complaints for violation of procedure related to convening the General Meeting of Judges, verification of participation, voting and counting of votes, ascertaining and declaring invalid and declaring the result during the General Meeting of Judges for the election of Council members of the High Judicial Council shall be filed with the Administrative Court of Appeal no later than 5 days from the day the decision is published on the official website of the High Court.”

Montenegro

(General Comment): 267/3 Unofficial translation.

Serbia

(General Comment): THE LAW
on the High Council of the Judiciary
"Official Gazette of RS", 10/2023.
Composition of the Council
Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
2. Selection of candidates chosen by the National Assembly
Article 43.
The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs.
Conditions for the election of a member of the Council
Article 44.
A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions:
1) that he meets the general requirements for working in a state body;
2) to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years;
3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
The Election of Candidate for the Member of the Council from Among the Judges

Question 268

Albania

(General Comment): The other five members of the Council (in total are 11 members) are non-judge/non-prosecutor, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria. The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:
a) to be Albanian nationals;
b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
c) be lawyers licensed under the law;
ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;
e) have no disciplinary measure in force;
h) have not previously been convicted by a final court decision of committing a criminal offense;
f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
k) not to be collaborators, informants or agents of any intelligence service;
h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.
Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council. The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates. These candidates must meet the following requirements:
a) to be Albanian nationals;
b) have not less than 15 years of professional experience as a lawyer;
c) at the time of candidacy, to be full-time lecturers not less than 5 years in the law faculty of a higher education institution or internal

(2024): The other 5 members of the Council (in total are 11 members) are non-judges/non-prosecutors, selected from the ranks of lawyers (2), law professors (2) and civil society (1). These members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly of Albania, based on a preliminary assessment process of legal conditions and criteria.

The 2 lawyers (bar association) applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

a) to be Albanian nationals;

b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;

c) be lawyers licensed under the law;

ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;

d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;

dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;

e) have no disciplinary measure in force;

h) have not previously been convicted by a final court decision of committing a criminal offense;

f) have not held political office in public administration or leadership positions in political parties for the past 10 years;

g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";

k) not to be collaborators, informants or agents of any intelligence service;

h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.

i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;

j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.

Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.

The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.

These candidates must meet the following requirements:

a) to be Albanian nationals;

b) have not less than 15 years of professional experience as a lawyer;

(2023): The other five members of the Council (in total are 11 members) are non-judges/non-prosecutors, selected from the ranks of lawyers (2), law professors (2) and civil society (1). These members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly of Albania, based on a preliminary assessment process of legal conditions and criteria.

The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

a) to be Albanian nationals;

b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;

c) be lawyers licensed under the law;

ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;

d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;

dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;

e) have no disciplinary measure in force;

h) have not previously been convicted by a final court decision of committing a criminal offense;

f) have not held political office in public administration or leadership positions in political parties for the past 10 years;

g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";

k) not to be collaborators, informants or agents of any intelligence service;

h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.

i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;

j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.

Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.

The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.

These candidates must meet the following requirements:

a) to be Albanian nationals;

b) have not less than 15 years of professional experience as a lawyer;

(2021): The other five members of the Council (in total are 11 members) are non-lawyer lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria.
The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:
a) to be Albanian nationals;
b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
c) be lawyers licensed under the law;
ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law “On the profession of lawyer”;
e) have no disciplinary measure in force;
h) have not previously been convicted by a final court decision of committing a criminal offense;
f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
k) not to be collaborators, informants or agents of any intelligence service;
h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.
Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.
The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.
These candidates must meet the following requirements:
a) to be Albanian nationals;
b) have not less than 15 years of professional experience as a lawyer;

Bosnia and Herzegovina

(General Comment): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure, and defines the basics of the procedure for selection of HJPC members.

(2024): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina. In addition, a member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina. Finally, two members of the HJPC who are lawyers are elected by the Entity Bar Chambers.
The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules and also by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure and defines the basics of the procedure for selection of HJPC members.

(2023): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.
Also, one member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.

(2022): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.
Also, One member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.

(2021): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.
Also, One member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.

(2019): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure, and defines the basics of the procedure for selection of HJPC members.

Montenegro

(General Comment): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be
appointed as a member of the Judicial Council from among eminent lawyers.

The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).

The deadline for applications by candidates shall be 15 days from the announcement of the public call.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

"Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at least ten years of experience in law who has earned personal and professional reputation and if he/she is not convicted of an offence that makes him/her unworthy of discharging prosecutorial duties in accordance with this Law can be elected a Prosecutorial Council member from among eminent lawyers."

North Macedonia

(General Comment): 1. Criteria for non-judge members in the Judicial Council (article 11 - Law on the Judicial Council)
Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia or on a proposal of the President the Republic of North Macedonia - to be a citizen of the Republic of North Macedonia, - to be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,
- not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and
- has a reputation and integrity in the exercise of the office of a member of the Council.
The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.
2. Criteria for non-prosecutor members in the Council of Public Prosecutors (article 32 Law on the Public Prosecutors)
(1) A member of the Council elected by the Parliament may be a person who meets the following requirements:
- to be a citizen of the Republic of North Macedonia,
- to be Bachelor of law with at least 15 years of work experience in the legal profession, having passed the bar exam and has excelled in the performance of the legal profession with scientific or professional work or with their public action and - to not have been convicted by an effective court verdict of a criminal offense of abuse of official position and authorization in the performance of their function or other criminal offense of unconditional imprisonment of at least six months, thus rendering
them unworthy to perform the function of a member of the Council.
(2) The members of the Council elected by the Parliament shall be university professors of law, attorneys, former judges of the Constitutional Court, international judges and other prominent lawyers, two of whom shall be members of the non-majority communities in the Republic of North Macedonia.

Serbia

(General Comment): THE LAW
on the High Council of the Judiciary
("Official Gazette of RS", 10/2023)
Composition of the Council
Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
2. Selection of candidates chosen by the National Assembly
Article 43.
The National Assembly elects four members of the Council from prominent lawyers with at least ten years of experience in the legal profession from eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs.
Conditions for the election of a member of the Council
Article 44.
A candidate for a member of the Council can be a person who, in addition to the conditions from Article 43 of this law, also meets the following conditions:
1) that he meets the general requirements for working in a state body;
2) to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years;
3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW

(2024): THE LAW on the High Council of the Judiciary ("Official Gazette of RS", 10/2023)
Composition of the Council Article 7.
The Council has 11 members.
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1) that he meets the general requirements for working in a state body;
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3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the
Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the
National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor'soffice;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of thepublic prosecutor's office.
THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023)
Composition of the Council
Article 7
The Council has 11 members.
The members of the Council are five public prosecutors elected by the holders of the office of public prosecutor, four prominent lawyers elected by the National Assembly, and the

(2023): THE LAW
on the High Council of the Judiciary
("Official Gazette of RS", 10/2023)
Composition of the Council
Article 7.
The Council has 11 members.
The members of the Council are six judges elected by the judges, four prominent lawyers elected by the National Assembly and the President of the Supreme Court, as a member ex officio.
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1) that he meets the general requirements for working in a state body;
2) to have acquired higher education at basic academic studies at the Faculty of Law in the amount of at least 240 ESPB points or higher education acquired at basic studies at the Faculty of Law for a duration of at least four years;
3) to have experience and knowledge relevant to the work of the judiciary;4) that it is worthy to perform the function of a member of the Council;
5) that he has not reached the age of 65;
6) not to perform the function of judge or public prosecutor;
7) that he was not elected to a public office directly by the citizens, that he does not perform the function to which he is elected by the National Assembly, that is, that he does not perform the function of a judge of the Constitutional Court or the Secretary of State;
8) not to strongly influence the making of political decisions;
9) that he did not exert undue influence on the work of a judge, court or holder of the office of public prosecutor and public prosecutor's office;
10) that in a public appearance he did not represent a position that threatens the independence of the judiciary or the independence of the public prosecutor's office.
THE LAW

(2021): The Law on High Judicial Council and the Law on State Prosecutorial Council prescribe that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.
There is no age limitations or gender quota.

Kosovo*

(General Comment): According to Article 10 points 3, 4, 5, 6, 7, 8, 9 and 10 of Law no. 06/L-055 on the Judicial Council of Kosovo
Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 “one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

(2024): KPC Comment: Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.
KJC comment: The Assembly announces the competition for the election of Council members in written and electronic media and in the official language.
The relevant committee of the Assembly (hereinafter: the Committee) determines the competition criteria for the election of a member. The duration of the competition cannot be shorter than fifteen (15) days or longer than twenty (20) days.
After the deadline specified in paragraph 4 of this article expires, the Committee, within fifteen (15) days, evaluates whether the candidates meet the conditions to be elected as Council members and rejects applications that do not meet the criteria set in the competition.
The Committee conducts interviews with each candidate who meets the requirements to be elected as a Council member and, based on the submitted information and interview results, prepares a shortlist of candidates.
The list for the Assembly session includes two (2) candidates for each position.
The Assembly elects Council members through a secret ballot.
If, in the first round, the candidates proposed by the relevant Committee of the Assembly do not receive the majority of votes from all present and voting deputies, then in the second round, the candidate with the highest number of votes is considered elected.
The dismissal of members elected by the Assembly is carried out by the Assembly with the majority of votes of all deputies, upon the proposal of the relevant Committee or the Council.

(2023): ccording to Article 10 points 3, 4, 5, 6, 7, 8, 9 and 10 of Law no. 06/L-055 on the Judicial Council of Kosovo
Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

(2021): Article 9 of the Law on the Kosovo Prosecutorial Council:
Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:
3.1. one (1) member from the Kosovo Chamber of Advocates;
3.2. one (1) professor from the law faculties of the Republic of Kosovo;
3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

Question 269

Albania
(General Comment): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.

North Macedonia
(2023): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

(2022): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

(2021): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

Serbia
(General Comment): The mandate of a member of the Councilc lasts for five years, except for the ex officio member.
An elective member of the Council cannot be re-elected to that position.

(2024): Ex off members

(2023): Ex off members

Question 270

Albania

(General Comment): As per article 3.4, Law 115/2016 “The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election”.

(2024): The members of the High Judicial Council are appointed for a 5-year term, without no right to consecutive re-election.

(2023): The members of the High Judicial Council are appointed for a 5-year term, without no right to consecutive re-election.

Bosnia and Herzegovina

(General Comment): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. One year after the end of the Council Member’s mandate, he/she may not apply or be elected to vacant positions in the judiciary which would constitute a career advancement, including the Constitutional Court of the Federation of Bosnia and Herzegovina and the Constitutional Court of Republika Srpska, and may not apply for vacant positions of chief disciplinary counsel or deputy in the Office of Disciplinary Counsel and the Director and the Deputy in the HJPC Secretariat. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall be four (4) years or until the expiration or termination of his/her mandate for other reasons. Only the President and up to three members work on a full-time basis in the HJPC.

(2019): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall be four (4) years or until the expiration or termination of his/her mandate for other reasons. Only the President and up to three members work on a full-time basis in the HJPC.

Montenegro

(General Comment): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.

North Macedonia

(2024): According to the Article 7 of the Law on Judicial Council, the members of the Council elected by the judges have a six-year term of office with the right to another term after the expiration of at least six years following the termination of the previous term of office at the Judicial Council. The members of the Council elected by the Parliament of the Republic of North Macedonia have a six-year term of office with the right to another term. The term of office of the president of the Supreme Court of the Republic of North Macedonia and of the Minister of Justice in the Council shall cease upon termination of their functions. The term of office of the member who is elected at additional elections, due to early termination of the term of office of the member of the Council in whose place he is elected, shall last six years. According to the Law on Council of Public Prosecutors, the mandate of the members of the Council elected by the public prosecutors
lasts four years with the right to another election after the expiration of at least four years from the termination of the previous mandate in the Council. The mandate of the members of the Council elected by the Assembly lasts four years years with the right to another election. The mandate of a member of the Council who was elected in additional elections, due to premature termination of the term of office of a member of the Council in whose place he was elected, lasts four years. The elected members of the Council from among the public prosecutors, while their mandate in the Council lasts, their position as public prosecutor is suspended. A member of the Council shall cease to hold office upon termination of office and the mandate in the Council.

(2023): According to the Article 7 of the Law on Judicial Council, the members of the Council elected by the judges have a six-year term of office with the right to another term after the expiration of at least six years following the termination of the previous term of office at the Judicial Council. The members of the Council elected by the Parliament of the Republic of North Macedonia have a six-year term of office with the right to another term. The term of office of the president of the Supreme Court of the Republic of North Macedonia and of the Minister of Justice in the Council shall cease upon termination of their functions. The term of office of the member who is elected at additional elections, due to early termination of the term of office of the member of the Council in whose place he is elected, shall last six years. According to the Law on Council of Public Prosecutors, the mandate of the members of the Council elected by the public prosecutors
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Serbia

(General Comment): An elective member of the Council cannot be re-elected to that position.

(2024): THE LAW ON THE HIGH COUNCIL OF THE JUDICIARY ("Official Gazette of RS", 10/2023) Rights from the employment relationship Article 13.
An elected member of the Council exercises rights from the employment relationship in the Council in accordance with the regulations governing the rights from the employment relationship of judges, unless otherwise specified by this law.
During the term of office, the rights of an elected member of the Council from the employment relationship that he exercised until the election as a member of the Council are suspended.
Exceptionally from paragraph 2 of this article, an elective member of the Council elected by the National Assembly, who is a teacher at the Faculty of Law, may exercise rights from employment at the Faculty of Law.
The mandate of a member of the Council lasts for five years, except for the ex officio member.
An elective member of the Council cannot be re-elected to that position.
THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023)
Rights from the employment relationship Article 13.
An elected member of the Council exercises rights from the employment relationship in the Council in accordance with the regulations governing the rights from the employment relationship of the holder of the office of public prosecutor, unless otherwise stipulated by this law.
During the term of office, the rights of the elected member of the Council from the employment relationship that he exercised until the election as a member of the Council are suspended.
Exceptionally from paragraph 2 of this article, an elective member of the Council elected by the National Assembly, who is a teacher at the Faculty of Law, may exercise rights from employment at the Faculty of Law.
The mandate of a member of the Council lasts for five years, except for the ex officio member. An elective member of the Council cannot be re-elected to that position.

(2023): THE LAW
on the High Council of the Judiciary
("Official Gazette of RS", 10/2023)
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Exceptionally from paragraph 2 of this article, an elective member of the Council elected by the National Assembly, who is a teacher at the Faculty of Law, may exercise rights from employment at the Faculty of Law.
The mandate of a member of the Council lasts for five years, except for the ex officio member.
An elective member of the Council cannot be re-elected to that position.
THE LAW
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During the term of office, the rights of the elected member of the Council from the employment relationship that he exercised until the election as a member of the Council are suspended.
Exceptionally from paragraph 2 of this article, an elective member of the Council elected by the National Assembly, who is a teacher at the Faculty of Law, may exercise rights from employment at the Faculty of Law.
The mandate of a member of the Council lasts for five years, except for the ex officio member.
An elective member of the Council cannot be re-elected to that position.

(2022): The elective members may be re-elected, but not consecutively.

(2021): The elective members may be re-elected, but not consecutively.

Kosovo*

(2024): KPC comment: The Council members shall remain in office for a five (5) year mandate, without the right of re-election.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

(2023): The Council members shall remain in office for a five (5) year mandate, without the right of re-election.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Acts, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

(2022): Council members may not be re-elected for a second term.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

(2021): Council members may not be re-elected for a second term.
The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.
The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

Question 271

Bosnia and Herzegovina

(General Comment): In accordance to the Law on the HJPC (Article 17), the Council has the following competencies:
(1) Appointment of judges, including Court Presidents, lay judges and reserve judges in all courts at the State, Entity, Cantonal, District, Basic and Municipal levels in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina, but excluding the Constitutional Courts of the State and Entities of Bosnia and Herzegovina;
(2) Appointment of Chief Prosecutors, Deputy Chief Prosecutors and prosecutors in all prosecutors' offices at the State, Entity, Cantonal and District levels in Bosnia and Herzegovina, including the Brcko District of Bosnia and Herzegovina;
(3) Making proposals to the relevant authorities in relation to, their proposal and election of judges to the Constitutional Court of Republika Srpska and their nomination of judges to the Constitutional Court of the Federation of Bosnia and Herzegovina. When exercising its competence under this paragraph, the Council shall seek a written opinion of the

Serbia

(General Comment): Jurisdiction
Article 17
Advice:
1) elects judges and lay judges;
2) decides on the termination of the office of judge and lay judge;
3) elects the president and vice president of the Council;
4) appoints acting presidents of the Supreme Court and presidents of other courts;
5) elects the president of the Supreme Court and presidents of other courts;
6) decides on the termination of the office of the president of the Supreme Court and the president of other courts;
7) decides on the permanent transfer, temporary assignment or assignment of a judge;
8) determines the number of judges and lay judges for each court;
9) decides on the removal of a judge, court president and lay judge;
10) decides on the incompatibility of the performance of another job function or private interest with the function of judge and lay judge;
11) decides on the appeal in the evaluation procedure of the work of the judge and the president of the court;
12) appoints the Disciplinary Prosecutor, his deputies and members of the Disciplinary Commission, determines the conditions for appointment and the manner of termination of duties, the manner of work and decision-making in disciplinary bodies;
13) decides on the appeal in the disciplinary procedure;
14) approves the permanent training program for judges and court employees and supervises its implementation;
15) determines the initial training program for judges;
16) adopts the Code of Ethics;
17) considers and decides on the report of the Ethics Committee on compliance with the Code of Ethics;
18) decides on the existence of undue influence on the work of judges and courts and measures to prevent undue influence;
19) performs the work of the judicial administration within its jurisdiction;
20) decides on the immunity of a judge and an elected member of the Council;
21) proposes the scope and structure of budget funds and supervises their spending, in accordance with the law;
22) decides on an objection in the procedure of election for a member of the Council from the ranks of judges;
23) collects and analyzes statistical data and adopts annual and multi-year plans in order to efficiently manage the personnel, financial and material resources of the court;

Question 272

Bosnia and Herzegovina

(General Comment): In accordance with the HJPC Law (Article 14), the Council acts and decides as a single body. Decisions are made by a majority vote of the members present and voting. The quorum requires the presence of at least 11 Council members. In matters on which the votes are divided, a vote shall be taken by roll call of the members, and the vote of the President or the Vice-President has the casting vote. In a case that the Council member who is present but abstains from voting, it will be deemed to have cast an abstention vote, and this abstention vote will not be included in the vote count. The Council may delegate certain decisions within its jurisdiction, with the exception of appointment decisions, to standing committees. The powers of standing committees to make decisions relate to less complex issues (eg simpler queries on compatibility of functions, opinions on laws that are not systemic and organizational and do not regulate the status of judicial office holders, shorter absences from office etc). In disciplinary proceedings against judges and prosecutors, decisions are taken by the competent disciplinary commissions, as well as by the Council when in the third instance, the Council decides on appeal against the decision of the second instance disciplinary commission. Members of the First Instance and the Second Instance Disciplinary Committees have the right to participate in the decision making process of the Council as a whole, unless their exemption is requested for reasons other than their earlier participation in the decision on the same matter. In accordance with the Rules of Procedure of the HJPC, the Council members are required to inform the President of the Council on any possible conflict of interest it may arise during their work, and must state the reasons for the exemption in writing or orally in the minutes of the Council session. If any the Council member considers that another member should be exempted from participating in the proceedings, he/she informs the President of the Council on that issue. In accordance with the HJPC Law (Article 10a) a conflict of interest for a Council Member shall be deemed to exist when a Council member or his/her blood relative in direct line of descent, the child of the spouse, a spouse or a civil-law partner, adoptive parent and adopted child, applies for a vacant position in the judiciary including the Constitutional Court of the Federation of Bosnia and Herzegovina and the Constitutional Court of Republika Srpska or a vacant position of a chief disciplinary counsel and deputy in the Office of Disciplinary Counsel or Director or Deputy Director in the HJPC Secretariat or in other situations in which a Council Member has a blood relative in the lateral line of descent, a relative-in-law or has close friendly, business or any other ties or a private interest which affects or may affect the legal, transparent, objective and impartial performance of official duty, i.e. in which a private interest is detrimental or may be detrimental to the public interest or public trust. If a Council Member applies to a vacant position his/her mandate shall be terminated. If a Council Member's relative or a person applies to the vacant position, the Council Member shall report it to the Council immediately upon learning about it and request recusal from the panel for conducting interview and the procedure for nomination and appointment of candidates. In the other cases which imply the existence of conflict of interest shall be regulated in more detail in the Council's Book of Rules.

Question 273

Bosnia and Herzegovina

(2019): The transparency of a work of the Council is ensured primarily by holding public sessions. Also, the first instance disciplinary proceedings against judicial office holders are generally transparent and public.
The HJPC regularly informs the public of its decisions, attitudes and activities, by publication of information and press releases. The HJPC also actively cooperates with journalists through the preparation and distribution of answers to media questions concerning the judiciary and the work of the HJPC.
The HJPC publishes reports on its work, as well as plans for future activities (strategic plan, action plans, annual work program, etc.).
The HJPC regularly processes the requests for free access to information relating to the work of the HJPC.
The HJPC organizes annual conferences for courts presidents and chief prosecutors, as well as thematic conferences which are open to journalists and to the public, and by which the public is informed about the work of the judiciary and other topics of interest to the judiciary and to the public.
Link for publications : https://vstv.pravosudje.ba/

Montenegro
(2024): Law on the State Prosecutor's Office "Official Gazette of Montenegro", no. 11/2015, 42/2015, 80/2017, 10/2018, 76/2020, 59/2021 and 54/2024
Article 30-dismissal and Article 32 temporary removal

North Macedonia
(2024): http://sud.mk/wps/portal/ssrm/sud/odluki/!ut/p/z1/pY-9DoIwFEafxYHR3guFWtxYhKgJUyN2MUAqkFBKAG18e2E08Wfw277knOGAhAxkl9-bKp8a0-Xt_M-SXVjs-8gPeIzdlGMkUsHCZOeFCYPTN0AICvIPfwEWHz8swtmXv5A9yKbQxJaaIOEuDajHWeB7Pt8wdymMuoLyCuSgrmpQA7kNc3g9Tf24ddBBay2pjKlaRUqjHXyn1GacIHslodciw7UsHjZaPQFInDWh/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uri=nm%3Aoid%3AZ6_6G4408K0LG1O80AUOU69HF29H6
http://sjorm.gov.mk/odluki/

(2023): http://sud.mk/wps/portal/ssrm/sud/odluki/!ut/p/z1/pY-9DoIwFEafxYHR3guFWtxYhKgJUyN2MUAqkFBKAG18e2E08Wfw277knOGAhAxkl9-bKp8a0-Xt_M-SXVjs-8gPeIzdlGMkUsHCZOeFCYPTN0AICvIPfwEWHz8swtmXv5A9yKbQxJaaIOEuDajHWeB7Pt8wdymMuoLyCuSgrmpQA7kNc3g9Tf24ddBBay2pjKlaRUqjHXyn1GacIHslodciw7UsHjZaPQFInDWh/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uri=nm%3Aoid%3AZ6_6G4408K0LG1O80AUOU69HF29H6
http://sjorm.gov.mk/odluki/

(2021): The new Law on Council of public prosecutors form 2020 has a rule for reasoning decisions. Article 10 p.(6) The decisions of the Council must be reasoned and shall be published on the Council's website. Article 10-a p.(4) When the Council decides on the election of a public prosecutor of a public prosecutor's office or the election of a public prosecutor in a public prosecutor's office, the public may not be excluded in any case. (5) The Council shall draw up minutes of the voting on the decision referred to in paragraph (3) of this Article and shall publish them publicly on the Council's website. (6) Minutes shall be taken of the work at the session of the Council and the session shall be audio or audio-visually recorded. The adopted minutes shall be published on the Council's website. In practice, the Council still publishes only the decisions (without the part of explanation).

Serbia

(General Comment): Published activity reports
Published decisiions
Reasoned decisions

(2022): Annual Report of HJC, in Serbian:
https://vss.sud.rs/sites/default/files/attachments/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%92%D0%A1%D0%A1%20%D0%B7%D0%B0%202022.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf

Kosovo*

(2024): Kosovo Prosecutorial Council comment: KPC meetings are transmitted live online, except when foreseen by law otherwise.
Kosovo Judicial Council comment: www.gjyqesori-rks.org

(2023): In each KPC meeting the media, civil society and international partners are invited to follow the meetings, except when foreseen by law otherwise.

(2022): www.gjyqesori-rks.org In each KPC meeting the media, civil society and international partners are invited to follow the meetings, except when foreseen by law otherwise.

Question 274

Albania

(General Comment): According to Article 185, of the Law “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.
The justice system in the Republic of Albania is governed based on the principles of independence, accountability, transparency, and efficiency. The Council has the obligation to react publicly and take any legal action to protect the independence or impartiality of a judge.

(2024): In addition to the publication of reports and reasoned decisions, on the website of the High Prosecutorial Council are published regularly the agenda and detailed announcements after each plenary meeting where are reflected the results of each meeting and the decisions taken by the Council. Also, full audio registering of the plenary meeting is published within 24 hours. The relevant links are below: https://klp.al/category/aktivitete/ https://klp.al/category/seanca-plenare/ The Council, ex officio or based on the requests of judges, may make public statements to protect certain judges when it deems that their human rights are in danger of being violated due to the performance of their duty or that the performance of their legal functions is being endangered or may be endangered as a result of actions or positions of any public or private subject.
The magistrate and his/her family shall, during or because of the exercise of the function, benefit specific state protection for life, health and assets. The magistrate who is no longer in the office or has retired shall enjoy this special protection if he/she/requests it, as well as in case of endangerment due to a previous exercise of the function as magistrate. 2. If the life, health or property of the magistrates or the magistrate's family is endangered, the state shall provide special protection, as well as physical protection, under the criteria and procedures set out by a decision of the Council of Ministers, following a consultation with Councils

(2023): HPC - According to Article 185, of the Law no. 115/2016 "On the governance institutions of the justice system", as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defence of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.
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Bosnia and Herzegovina

(General Comment): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.
The criminal laws in BiH contain chapters dedicated to the judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.
The criminal laws contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties, are prescribed as criminal offenses.

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Montenegro

(General Comment): Judges shall adjudicate and decide independently and autonomously. The judicial office shall not be exercised under anyone's influence.
No one shall influence judges in the exercise of judicial office. Independence, autonomy, accountability and professionalism of courts and judges shall be provided by the Judicial Council.
State Prosecutor's Office: Article 136 of the Constitution of Montenegro CONSTITUTION OF MONTENEGRO (Official Gazette of Montenegro", No. 1/2007, 38/2013)
Council of Prosecutors Article 136
The Prosecution Council shall ensure the autonomy of the state prosecution. The Supreme State Prosecutor shall chair the Prosecution Council except in a disciplinary proceeding. The composition, election, mandate, organization and manner of work of the Prosecution Council shall be regulated by law. The Prosecution Council shall: 1) establish the proposal for the election of the Supreme State Prosecutor;
2) elect and release from the duty the heads of the state prosecution offices and state prosecutors; 3) establish the termination of the function of the heads of state prosecution offices and state prosecutors; 4) propose to the Government the amount of funds for the work of the state prosecution; 5) submit the Report on Performance of the State Prosecution to the Parliament; 6) perform other activities as defined by the law. The Prosecution Council shall make decisions by majority vote of all its members.

North Macedonia

(General Comment): The Judicial Council of the Republic of North Macedonia is an autonomous and independent judicial body that ensure and guarantee the autonomy and independence of the judicial authority, through performing its function in accordance with the Constitution and the laws. According to article 11 of Law on courts, the judge shall decide impartially by applying the law on the basis of free evaluation of the evidence. Any form of influence on the independence, impartiality and autonomy of the judge in the exercise of the judicial office on any grounds and by any entity shall be prohibited.
The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, expect for cases provided by law. The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office. The judge cannot be a member of a managing or supervisory board of a trade company, or another legal entity established for the purpose of gaining profit. The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects. The Judge must not use his office or the reputation of the court to accomplish his personal interests. The judge cannot be a member or hold a political office within a political party or carry out political or party activity. In this case, The Judicial Council shall at the latest within ten days from the day of knowing of the fulfillment of these conditions determine the termination of the judicial office, except when the judicial function is in abeyance under conditions determined by law. The judge cannot accept gifts or enjoy privileges and conveniences during the exercise of the judicial office. According to articles 74 and 75 of Law on courts, the judge shall be dismissed from the judicial office due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law. Decision on dismissal of the judge shall be adopted by Judicial Council, if the violation is committed with the intention or apparent negligence by the fault of the judge without justified reasons and if the injury caused severe consequences. Serious disciplinary offences are:
1) gross influence and interference in the performance of the judicial function of another judge;
2) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.
In the exercise of the judicial office, the judges shall enjoy immunity. A judge cannot be held criminally liable for a stated opinion and manner of deciding during the adoption of a court decision. A judge cannot be taken in without an approval from the Judicial Council, unless caught in commission of a crime for which an imprisonment sentence in duration of at least five years is foreseen. The Judicial Council of the Republic of North Macedonia shall decide upon revocation of the immunity of judges. The procedure for deciding about revocation of a judge's immunity shall be urgent. The judge shall be suspended from exercising the judicial office while in custody, or while the procedure for the crime for which an imprisonment sentence of at least five years is foreseen is ongoing. The judge shall be suspended from exercising the judicial office in case of initiated procedure for establishing liability, in accordance with law and when there are justified reasons for suspension from exercising judicial office. The decision to suspend the judge from exercising the judicial office shall be adopted by the Judicial Council of the Republic of North Macedonia.
According to the article 7 from the Law on PPO, the public prosecutor shall perform their function in a lawful, impartial and objective manner, shall respect and protect human and civil rights and freedoms, and the rights of other legal entities and within the scope of their competencies, they shall ensure the efficiency of the criminal prosecution.

(2023): Please, see the general comment.

(2022): Please, see the general comment.

Serbia

(General Comment): According to Art 4 of Law on judges („Official Gazette of the Republic of Serbia“ No.10/ 23) a judge is required to preserve confidence in his independence and impartiality at all times. All state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.

81

A judge is required to conduct proceedings impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, ensuring fair trial and compliance with procedural rights of parties guaranteed by the Constitution, ratified international treaties, laws, and the generally accepted rules of international law.

The Law on High Judicial Council prescribed that Council decides on the existence of undue influence on the work of judge and court, and measure to prevent such undue influence. According to Law on Judges a judge may submit a request with the High Judicial Council for protection against undue influence. The manner of submission of the request and the procedure against the request for protection against undue influence are regulated by Rulebook on the protection of judges and courts from undue influence.

In order to protect against any undue influence on the performance of the judicial function, the Council appointed one member of the Council from among the judges to proceed in cases of undue influence on the work of judge and court. The action of the elected member of the Council and the Council, in cases of undue influence, is regulated by Rulebook on the protection of judges and courts from undue influence („Official Gazette of the Republic of Serbia“ No.110/ 23)

During 2023, seven requests of judges for protection from undue influence were submitted to the Council, which were delivered to the competent judge. In two cases, a decision was made to suspend the proceedings, and for the other five, the proceedings are ongoing.

THE LAW

ON THE PUBLIC PROSECUTOR'S OFFICE

("Official Gazette of RS", No. 10/2023)

Prohibition of undue influence

(2024): According to Art 4 of Law on judges („Official Gazette of the Republic of Serbia“ No.10/ 23) a judge is required to preserve confidence in his independence and impartiality at all times. All state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.
Art 81
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THE LAW ON THE PUBLIC PROSECUTOR'S OFFICE
("Official Gazette of RS", No. 10/2023)
Prohibition of undue influence
Article 6
In order to preserve the authority and impartiality of the public prosecutor's office, undue influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of public positions, the media and public speaking, which influence the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.
The use of legally prescribed rights of participants in the proceedings, reporting on the work of the public prosecution in accordance with the regulations governing public information, as well as expert analysis of the actions of the public prosecution, cannot be considered under undue influence from paragraph 1 of this article.
The Supreme Public Prosecutor, the Chief Public Prosecutor and the Public Prosecutor are obliged to reject any action that represents an undue influence on the independence of the Public Prosecutor's Office, as well as to report such influence to the High Council of the Prosecutor's Office.
The holder of the office of public prosecutor may submit a request for protection against undue influence to the High Council of Prosecutors.
The method of submission and the procedure for the request for protection against undue influence is prescribed by the act of the High Council of the Prosecutor's Office.

(2023): According to Art 4 of Law on judges („Official Gazette of the Republic of Serbia“ No.10/ 23) a judge is required to preserve confidence in his independence and impartiality at all times. All state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.

81

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THE LAW

ON THE PUBLIC PROSECUTOR'S OFFICE

("Official Gazette of RS", No. 10/2023)

Prohibition of undue influence

(2021): The Constitution of the Republic of Serbia in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent an responsivle only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibeted.
Art 153 prescribed that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.
According to Art 3 of Law on judges all state bodies and officials are required to preserve, with their actions and behaviour, the confidence in independence and impartiality of judges and courts.
At the session held on April 15, 2021. The High Judicial Council adopted Amendments to the Rules of Procedure of the High Judicial Council, which prescribes the manner of work and decision-making of the Council not only in cases of political influence on the judiciary - but also in cases of any influence on judges and judiciary (from media, lawyers, business community, civil servants and others).
At the session held on May 13, 2021 the High Judicial Council appointed a judge competent to act in cases of undue influence on judges and the judiciary.
The competent judge is in charge and authorized to: acts upon the requests of judges for protection against undue influence, examines the existence of undue influence expressed in public, through the media, social networks, at public gatherings or in any other public way, obtains the necessary evidence and information on the existence of undue influence, submits a reasoned proposal for convening a session of the Council to decide on the existence of undue influence, at the session of the Council, presents the factual situation and gives a proposal for a decision, cooperates with the competent institutions in conducting training of judges on recognizing and reacting to undue influence, proposes to the Council measures to prevent undue influence, cooperates with the Ethics Committee and disciplinary bodies, keeps records of all cases of undue influence and submits to the Council an annual report on the undue influence on judges and the judiciary.
An important new solution is that the competent judge has the authority to order to the person who is stated in the request to have committed an undue influence to respond to the allegations from the request for protection against undue influence within eight days, on its own initiative or at the proposal of the applicant to conduct a confidential interview with the applicant, as well as to request information and evidence from the court, other state bodies, public institutions, legal and natural persons.
Article 2 of Law on State Prosecutorial Council:
The Council is an independent body that ensures and guarantees the independence of public prosecutors and deputy public prosecutors.
Within its competence, the State Council cooperates with the High Judicial Council, state and other bodies and organizations, prosecutorial councils of other states and international organizations.

Kosovo*

(General Comment): Article 3 of Law on Kosovo prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709
The Council:
1.1. is a fully independent institution in the exercise of its functions in order to provide an independent, professional and impartial prosecutorial system as defined by the Constitution and by law;
1.2. ensures that the Prosecution Offices reflect the multi-ethnic nature of the Republic of Kosovo and takes the necessary measures in increasing the number of prosecutors from non-majority communities in Kosovo, in accordance with internationally accepted
gender equality principles;
1.3. ensures that all the persons have equal access to justice;
1.4. ensures that the Prosecution Offices respect the principles of non-discrimination and proportionality, as well as human rights and gender equality, guaranteed by the Constitution and international agreements and instruments applied in the Republic of Kosovo;
1.5. in exercising duties and competencies, the Council acts in a manner that respects and preserves the independence of prosecutors while they perform their prosecution functions. The Council shall not order or influence, attempt to influence or otherwise undertake any action or make any statement which could reasonably be considered as an interference or attempt to interfere with the independence of the prosecution function in relation to any person, investigation or subject.

(2023): Article 3 of Law on Kosovo prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709

(2021): Article 3 of Law on Kosovo prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709

12. Gender Equality - Overview

Distribution of court professionals by gender

Distribution of court professionals by gender in 2024 and its variation (in percentage points) between 2019 (or 2021) and 2024 (Tables 12.1.1, 12.1.3 and 12.1.5)

Beneficiaries	Professional judges				Court presidents				Non- judge staff			
	Male	Female	Variation 2019 - 2024		Male	Female	Variation 2021 - 2024		Male	Female	Variation 2019 - 2024	
			Male	Female			Male	Female			Male	Female
Albania	42,3%	57,7%	-9,3	9,3	65,0%	35,0%	7,9	-7,9	28,9%	71,1%	1,5	-1,5
Bosnia and Herzegovina	35,2%	64,8%	-0,7	0,7	41,3%	58,8%	-5,0	5,0	25,0%	75,0%	0,7	-0,7
Montenegro	36,2%	63,8%	-3,5	3,5	45,8%	54,2%	-22,2	22,2	22,9%	77,1%	-5,3	5,3
North Macedonia	38,6%	61,4%	-1,4	1,4	50,0%	50,0%	-2,9	2,9	36,4%	63,6%	-1,8	1,8
Serbia	27,0%	73,0%	-1,1	1,1	40,9%	59,1%	-2,5	2,5	27,1%	72,9%	-1,5	1,5
Kosovo*	63,6%	36,4%	-3,4	3,4	80,0%	20,0%	NA	NA	45,2%	54,8%	-4,9	4,9
WB Average	35,9%	64,1%	-3,2	3,2	48,6%	51,4%	-5,0	5,0	28%	72%	-1,3	1,3

For reference only: the 2023 EU median is 62,8% for total female judges and 77% for total female non-judge staff.

Figure 12.1 Distribution of the total male and female judges in 2024

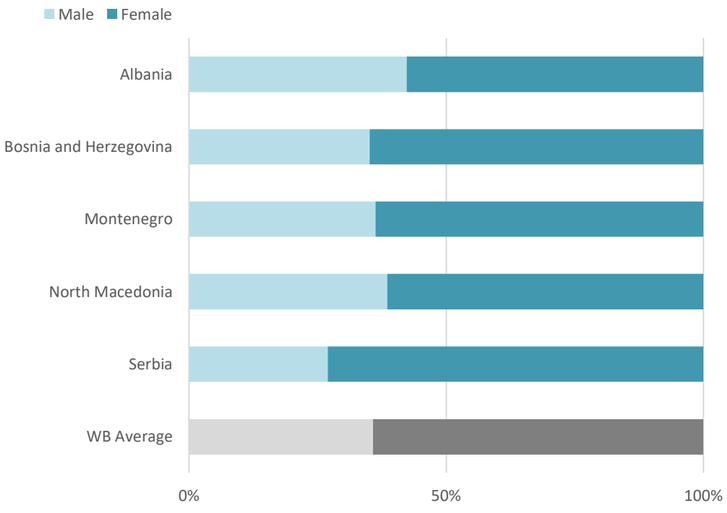


Figure 12.2 Distribution of the total male and female court presidents in 2024

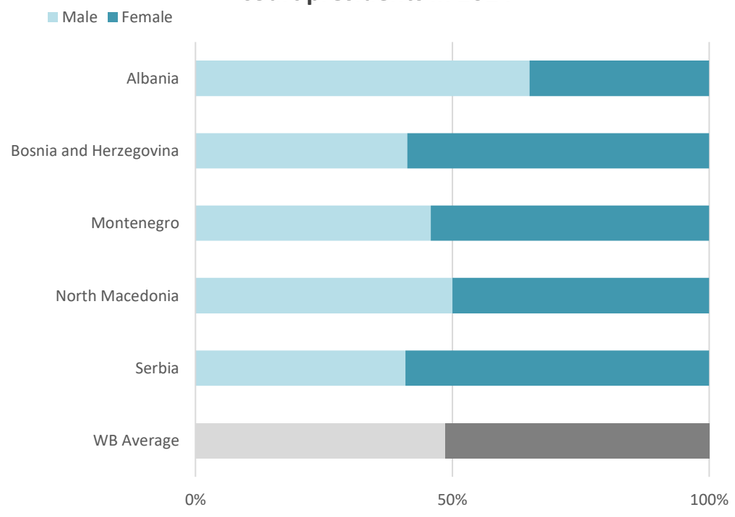
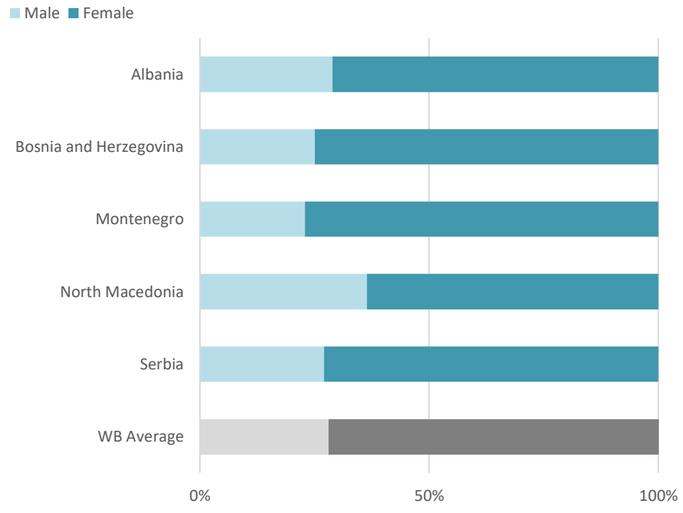


Figure 12.3 Distribution of the total male and female non-judge staff in 2024



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Distribution of prosecution services professionals by gender

Distribution of prosecution services professionals by gender in 2024 and its variation (in percentage points) between 2019 (or 2021) and 2024 (Tables 12.2.1, 12.2.3 and 12.2.5)

Beneficiaries	Prosecutors				Heads of prosecution services				Non-prosecutor staff			
	Male	Female	Variation 2019 - 2024		Male	Female	Variation 2021 - 2024		Male	Female	Variation 2019 - 2024	
			Male	Female			Male	Female			Male	Female
Albania	48,3%	51,7%	-21,6	21,6	72,7%	27,3%	-13,5	13,5	43,4%	56,6%	NA	NA
Bosnia and Herzegovina	47,8%	52,2%	-0,9	0,9	50,0%	50,0%	-11,1	11,1	25,5%	74,5%	-3,6	3,6
Montenegro	44,5%	55,5%	8,8	-8,8	52,9%	47,1%	0,0	0,0	27,2%	72,8%	0,2	-0,2
North Macedonia	44,1%	55,9%	-2,7	2,7	56,5%	43,5%	2,0	-2,0	27,2%	72,8%	-6,8	6,8
Serbia	39,5%	60,5%	-4,1	4,1	51,5%	48,5%	-2,5	2,5	23,8%	76,2%	0,3	-0,3
Kosovo*	56,9%	43,1%	0,0	0,0	100,0%	0,0%	0,0	0,0	27,8%	72,2%	-16,1	16,1
WB Average	45%	55%	-4,1	4,1	57%	43%	-5,0	5,0	29%	71%	-2,5	2,5

For reference only: the 2023 EU median is 61,2% for total female proscutors and 78,5% for total female non-prosecutor staff.

Figure 12.4 Distribution of the total male and female

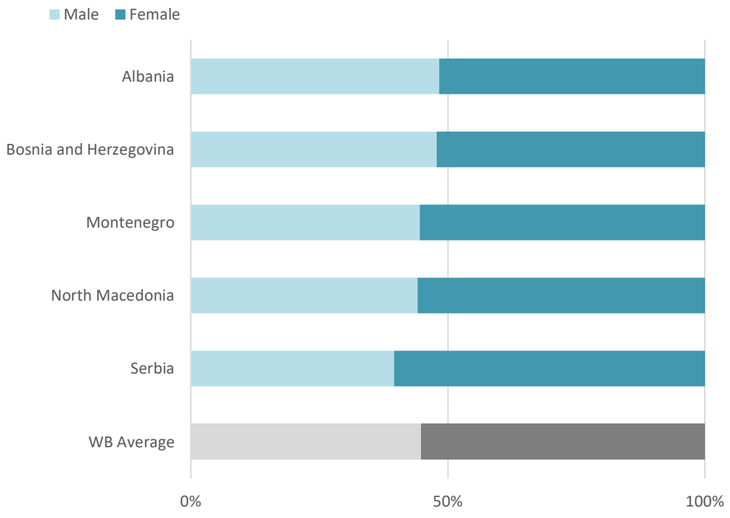


Figure 12.5 Distribution of the total male and female heads of prosecution services in 2024

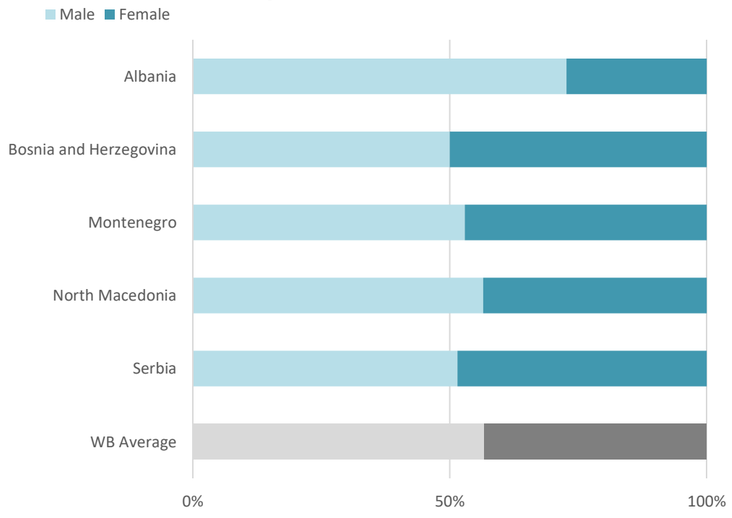
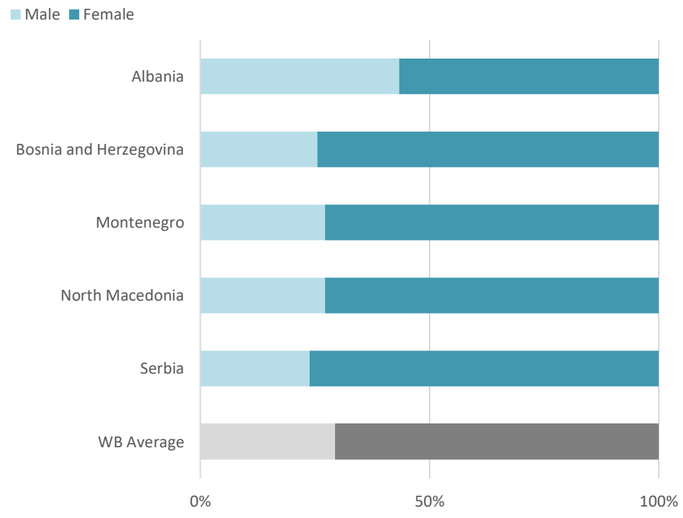


Figure 12.6 Distribution of the total male and female non-prosecutor staff in 2024



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

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12.Gender Equality - List of tables

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Table 12.4.2 Existence of specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2024 (Q277)

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Table 12.4.5 Evaluation studies or official reports regarding the main causes of possible inequalities in 2024 (Q286)

Table 12.4.6 Existence of statistical data disaggregated by gender in 2024 (Q287)

Table 12.4.7 Implemented and planned measures In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2024 (Q285)

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of total male and female professional judges in 2019 and 2024 (Q19)

Beneficiaries	Total professional judges					
	2019		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Albania	51,7%	48,3%	42,3%	57,7%	-9,3	9,3
Bosnia and Herzegovina	35,8%	64,2%	35,2%	64,8%	-0,7	0,7
Montenegro	39,7%	60,3%	36,2%	63,8%	-3,5	3,5
North Macedonia	39,9%	60,1%	38,6%	61,4%	-1,4	1,4
Serbia	28,1%	71,9%	27,0%	73,0%	-1,1	1,1
Kosovo*	67,1%	32,9%	63,6%	36,4%	-3,4	3,4
Average	39,0%	61,0%	35,9%	64,1%	-3,2	3,2
Median	39,7%	60,3%	36,2%	63,8%	-1,4	1,4
Minimum	28,1%	48,3%	27,0%	57,7%	-9,3	0,7
Maximum	51,7%	71,9%	42,3%	73,0%	-0,7	9,3

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.2 Distribution of male and female professional judges by instance in 2019 and 2024 (Q19)

Beneficiaries	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges					
	2019		2024		Variation (in percentage points) 2019 - 2024		2019		2024		Variation (in percentage points) 2019 - 2024		2019		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	50,2%	49,8%	42,3%	57,7%	-7,9	7,9	55,7%	44,3%	31,3%	68,8%	-24,4	24,4	100,0%	0,0%	72,2%	27,8%	-27,8	27,8
Bosnia and Herzegovina	36,9%	63,1%	36,2%	63,8%	-0,7	0,7	30,5%	69,5%	32,4%	67,6%	1,9	-1,9	39,7%	60,3%	34,8%	65,2%	-4,8	4,8
Montenegro	40,0%	60,0%	38,1%	61,9%	-1,9	1,9	42,1%	57,9%	37,3%	62,7%	-4,8	4,8	26,3%	73,7%	11,8%	88,2%	-14,6	14,6
North Macedonia	38,8%	61,2%	35,7%	64,3%	-3,1	3,1	41,7%	58,3%	48,6%	51,4%	6,9	-6,9	52,6%	47,4%	45,5%	54,5%	-7,2	7,2
Serbia	29,2%	70,8%	27,6%	72,4%	-1,6	1,6	19,9%	80,1%	22,5%	77,5%	2,6	-2,6	33,3%	66,7%	22,2%	77,8%	-11,1	11,1
Kosovo*	66,4%	33,6%	61,8%	38,2%	-4,6	4,6	73,1%	26,9%	71,9%	28,1%	-1,1	1,1	62,5%	37,5%	68,8%	31,3%	6,3	-6,3
Average	39,0%	61,0%	36,0%	64,0%	-3,0	3,0	38,0%	62,0%	34,4%	65,6%	-3,6	3,6	50,4%	49,6%	37,3%	62,7%	-13,1	13,1
Median	38,8%	61,2%	36,2%	63,8%	-1,9	1,9	41,7%	58,3%	32,4%	67,6%	1,9	-1,9	39,7%	60,3%	34,8%	65,2%	-11,1	11,1
Minimum	29,2%	49,8%	27,6%	57,7%	-7,9	0,7	19,9%	44,3%	22,5%	51,4%	-24,4	-6,9	26,3%	0,0%	11,8%	27,8%	-27,8	4,8
Maximum	50,2%	70,8%	42,3%	72,4%	-0,7	7,9	55,7%	80,1%	48,6%	77,5%	6,9	24,4	100,0%	73,7%	72,2%	88,2%	-4,8	27,8

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.3 Distribution of total male and female court presidents in 2021 and 2024 (Q19-1)

Beneficiaries	Total court presidents					
	2021		2024		Variation (in percentage points) 2021 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Albania	57,1%	42,9%	65,0%	35,0%	7,9	-7,9
Bosnia and Herzegovina	46,3%	53,8%	41,3%	58,8%	-5,0	5,0
Montenegro	68,0%	32,0%	45,8%	54,2%	-22,2	22,2
North Macedonia	52,9%	47,1%	50,0%	50,0%	-2,9	2,9
Serbia	43,4%	56,6%	40,9%	59,1%	-2,5	2,5
Kosovo*	NA	NA	80,0%	20,0%	NA	NA
Average	53,6%	46,4%	48,6%	51,4%	-5,0	5,0
Median	52,9%	47,1%	45,8%	54,2%	-2,9	2,9
Minimum	43,4%	32,0%	40,9%	35,0%	-22,2	-7,9
Maximum	68,0%	56,6%	65,0%	59,1%	7,9	22,2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.4 Distribution of male and female court presidents by instance in 2021 and 2024 (Q19-1)

Beneficiaries	First instance court presidents						Second instance (court of appeal) court presidents						Supreme Court court presidents					
	2021		2024		Variation (in percentage points) 2019 - 2024		2021		2024		Variation (in percentage points) 2019 - 2024		2021		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	54,5%	45,5%	68,8%	31,3%	14,2	-14,2	66,7%	33,3%	33,3%	66,7%	-33,3	33,3	0,0%	0,0%	100,0%	0,0%	0,0	0,0
Bosnia and Herzegovina	45,8%	54,2%	40,7%	59,3%	-5,1	5,1	50,0%	50,0%	44,4%	55,6%	-5,6	5,6	33,3%	66,7%	33,3%	66,7%	0,0	0,0
Montenegro	65,0%	35,0%	47,4%	52,6%	-17,6	17,6	100,0%	0,0%	50,0%	50,0%	-50,0	50,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
North Macedonia	57,1%	42,9%	53,6%	46,4%	-3,6	3,6	40,0%	60,0%	40,0%	60,0%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Serbia	42,8%	57,2%	40,8%	59,2%	-2,0	2,0	66,7%	33,3%	50,0%	50,0%	-16,7	16,7	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Kosovo*	NA	NA	71,4%	28,6%	NA	NA	NA	NA	100,0%	0,0%	NA	NA	NA	NA	100,0%	0,0%	NA	NA
Average	53,0%	47,0%	50,2%	49,8%	-2,8	2,8	64,7%	35,3%	43,6%	56,4%	-21,1	21,1	6,7%	73,3%	26,7%	73,3%	0,0	0,0
Median	54,5%	45,5%	47,4%	52,6%	-3,6	3,6	66,7%	33,3%	44,4%	55,6%	-16,7	16,7	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Minimum	42,8%	35,0%	40,7%	31,3%	-17,6	-14,2	40,0%	0,0%	33,3%	50,0%	-50,0	0,0	0,0%	0,0%	0,0%	0,0%	0,0	0,0
Maximum	65,0%	57,2%	68,8%	59,3%	14,2	17,6	100,0%	60,0%	50,0%	66,7%	0,0	50,0	33,3%	100,0%	100,0%	100,0%	0,0	0,0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.5 Distribution of male and female non-judge staff in 2019 and 2024 (Q27)

Beneficiaries	Non-judge staff					
	2019		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Albania	27,4%	72,6%	28,9%	71,1%	1,5	-1,5
Bosnia and Herzegovina	24,4%	75,6%	25,0%	75,0%	0,7	-0,7
Montenegro	28,2%	71,8%	22,9%	77,1%	-5,3	5,3
North Macedonia	38,3%	61,7%	36,4%	63,6%	-1,8	1,8
Serbia	28,6%	71,4%	27,1%	72,9%	-1,5	1,5
Kosovo*	50,1%	49,9%	45,2%	54,8%	-4,9	4,9
Average	29,4%	70,6%	28,1%	71,9%	-1,3	1,3
Median	28,2%	71,8%	27,1%	72,9%	-1,5	1,5
Minimum	24,4%	61,7%	22,9%	63,6%	-5,3	-1,5
Maximum	38,3%	75,6%	36,4%	77,1%	1,5	5,3

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female public prosecutors in 2019 and 2024 (Q28)

Beneficiaries	Public prosecutors					
	2019		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Albania	69,9%	30,1%	48,3%	51,7%	-21,6	21,6
Bosnia and Herzegovina	48,7%	51,3%	47,8%	52,2%	-0,9	0,9
Montenegro	35,8%	64,2%	44,5%	55,5%	8,8	-8,8
North Macedonia	46,8%	53,2%	44,1%	55,9%	-2,7	2,7
Serbia	43,6%	56,4%	39,5%	60,5%	-4,1	4,1
Kosovo*	56,9%	43,1%	56,9%	43,1%	0,0	0,0
Average	49,0%	51,0%	44,9%	55,1%	-4,1	4,1
Median	46,8%	53,2%	44,5%	55,5%	-2,7	2,7
Minimum	35,8%	30,1%	39,5%	51,7%	-21,6	-8,8
Maximum	69,9%	64,2%	48,3%	60,5%	8,8	21,6

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.2.2 Distribution of male and female prosecutors by instance in 2019 and 2024 (Q28)

Beneficiaries	First instance prosecutors						Second instance (court of appeal level) prosecutors						Supreme Court level prosecutors					
	2019		2024		Variation (in percentage points) 2019 - 2024		2019		2024		Variation (in percentage points) 2019 - 2024		2019		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	67,8%	32,2%	45,7%	54,3%	-22,1	22,1	86,4%	13,6%	60,0%	40,0%	-26,4	26,4	81,8%	18,2%	81,8%	18,2%	0,0	0,0
Bosnia and Herzegovina	47,6%	52,4%	47,2%	52,8%	-0,5	0,5	NAP	NAP	NAP	NAP	NAP	NAP	52,6%	47,4%	50,0%	50,0%	-2,6	2,6
Montenegro	34,7%	65,3%	48,6%	51,4%	13,9	-13,9	38,9%	61,1%	34,4%	65,6%	-4,5	4,5	40,0%	60,0%	50,0%	50,0%	10,0	-10,0
North Macedonia	42,6%	57,4%	38,8%	61,2%	-3,8	3,8	54,8%	45,2%	56,0%	44,0%	1,2	-1,2	81,8%	18,2%	81,8%	18,2%	0,0	0,0
Serbia	42,9%	57,1%	38,8%	61,2%	-4,1	4,1	52,9%	47,1%	43,9%	56,1%	-9,0	9,0	50,0%	50,0%	63,6%	36,4%	13,6	-13,6
Kosovo*	56,5%	43,5%	55,9%	44,1%	-0,6	0,6	50,0%	50,0%	50,0%	50,0%	0,0	0,0	71,4%	28,6%	85,7%	14,3%	14,3	-14,3
Average	47,1%	52,9%	43,8%	56,2%	-3,3	3,3	58,3%	41,7%	48,6%	51,4%	-9,7	9,7	61,2%	38,8%	65,5%	34,5%	4,2	-4,2
Median	42,9%	57,1%	45,7%	54,3%	-3,8	3,8	53,9%	46,1%	50,0%	50,0%	-6,8	6,8	52,6%	47,4%	63,6%	36,4%	0,0	0,0
Minimum	34,7%	32,2%	38,8%	51,4%	-22,1	-13,9	38,9%	13,6%	34,4%	40,0%	-26,4	-1,2	40,0%	18,2%	50,0%	18,2%	-2,6	-13,6
Maximum	67,8%	65,3%	48,6%	61,2%	13,9	22,1	86,4%	61,1%	60,0%	65,6%	1,2	26,4	81,8%	60,0%	81,8%	50,0%	13,6	2,6

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.2.3 Distribution of male and female heads of prosecution offices in 2021 and 2024 (Q28-1)

Beneficiaries	Heads of prosecution offices					
	2021		2024		Variation (in percentage points) 2021 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Albania	86,2%	13,8%	72,7%	27,3%	-13,5	13,5
Bosnia and Herzegovina	61,1%	38,9%	50,0%	50,0%	-11,1	11,1
Montenegro	52,9%	47,1%	52,9%	47,1%	0,0	0,0
North Macedonia	54,5%	45,5%	56,5%	43,5%	2,0	-2,0
Serbia	54,0%	46,0%	51,5%	48,5%	-2,5	2,5
Kosovo*	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Average	61,8%	38,2%	56,7%	43,3%	-5,0	5,0
Median	54,5%	45,5%	52,9%	47,1%	-2,5	2,5
Minimum	52,9%	13,8%	50,0%	27,3%	-13,5	-2,0
Maximum	86,2%	47,1%	72,7%	50,0%	2,0	13,5

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.2.4 Distribution of male and female heads of prosecution offices by instance in 2021 and 2024 (Q28-1)

Beneficiaries	First instance heads of prosecution offices						Second instance (court of appeal level) heads of prosecution offices						Supreme Court level heads of prosecution offices					
	2021		2024		Variation (in percentage points) 2021 - 2024		2021		2024		Variation (in percentage points) 2021 - 2024		2021		2024		Variation (in percentage points) 2021 - 2024	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	86,4%	13,6%	69,2%	30,8%	-17,1	17,1	83,3%	16,7%	100,0%	0,0%	16,7	-16,7	100,0%	0,0%	75,0%	25,0%	-25,0	25,0
Bosnia and Herzegovina	56,3%	43,8%	46,7%	53,3%	-9,6	9,6	NAP	NAP	NAP	NAP	NAP	NAP	100,0%	0,0%	66,7%	33,3%	-33,3	33,3
Montenegro	53,8%	46,2%	53,8%	46,2%	0,0	0,0	66,7%	33,3%	33,3%	66,7%	-33,3	33,3	0,0%	100,0%	100,0%	NAP	NAP	NAP
North Macedonia	47,1%	52,9%	44,4%	55,6%	-2,6	2,6	75,0%	25,0%	100,0%	0,0%	25,0	-25,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Serbia	55,3%	44,7%	52,5%	47,5%	-2,9	2,9	50,0%	50,0%	50,0%	50,0%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Kosovo*	100,0%	0,0%	100,0%	0,0%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Average	59,8%	40,2%	53,3%	46,7%	-6,4	6,4	68,8%	31,3%	70,8%	29,2%	2,1	-2,1	60,0%	40,0%	68,3%	39,6%	-14,6	14,6
Median	55,3%	44,7%	52,5%	47,5%	-2,9	2,9	70,8%	29,2%	75,0%	25,0%	8,3	-8,3	100,0%	0,0%	75,0%	29,2%	-12,5	12,5
Minimum	47,1%	13,6%	44,4%	30,8%	-17,1	0,0	50,0%	16,7%	33,3%	0,0%	-33,3	-25,0	0,0%	0,0%	0,0%	0,0%	-33,3	0,0
Maximum	86,4%	52,9%	69,2%	55,6%	0,0	17,1	83,3%	50,0%	100,0%	66,7%	25,0	33,3	100,0%	100,0%	100,0%	100,0%	0,0	33,3

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.2.5 Distribution of male and female non-prosecutor staff in 2019 and 2024 (Q32)

Beneficiaries	Non-prosecutor staff					
	2019		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	43,4%	56,6%	NA	NA
Bosnia and Herzegovina	29,1%	70,9%	25,5%	74,5%	-3,6	3,6
Montenegro	27,0%	73,0%	27,2%	72,8%	0,2	-0,2
North Macedonia	34,0%	66,0%	27,2%	72,8%	-6,8	6,8
Serbia	23,5%	76,5%	23,8%	76,2%	0,3	-0,3
Kosovo*	43,9%	56,1%	27,8%	72,2%	-16,1	16,1
Average	28,4%	71,6%	29,4%	70,6%	-2,5	2,5
Median	28,0%	72,0%	27,2%	72,8%	-1,7	1,7
Minimum	23,5%	66,0%	23,8%	56,6%	-6,8	-0,3
Maximum	34,0%	76,5%	43,4%	76,2%	0,3	6,8

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers in 2019 and 2024 (Q33)

Beneficiaries	Lawyers					
	2019		2024		Variation (in percentage points) 2019 - 2024	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	68,2%	31,8%	67,1%	32,9%	-1,1	1,1
Montenegro	65,9%	34,1%	63,5%	36,5%	-2,4	2,4
North Macedonia	49,9%	50,1%	56,8%	43,2%	6,8	-6,8
Serbia	63,9%	36,1%	60,0%	40,0%	-4,0	4,0
Kosovo*	79,8%	20,2%	NA	NA	-	-
Average	62,0%	38,0%	61,9%	38,1%	-0,1	0,1
Median	64,9%	35,1%	61,8%	38,2%	-1,7	1,7
Minimum	49,9%	31,8%	56,8%	32,9%	-4,0	-6,8
Maximum	68,2%	50,1%	67,1%	43,2%	6,8	4,0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

12.4 Policies on gender equality

Table 12.4.1 Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2024 (Q275 and Q276)

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedure of recruiting						Specific provisions for facilitating gender equality within the framework of the procedures for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 12.4.2 Existence of specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2024 (Q277)

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedures for the appointment	
	Court presidents	Heads of prosecution services
Albania		
Bosnia and Herzegovina		
Montenegro		
North Macedonia		
Serbia		
Kosovo*		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 12.4.3 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2024 (Q278 and Q279)

Beneficiaries	At national level						
	Existence of an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary	Existence of specific person/institution dealing with gender issues in the justice system concerning:					
		Recruitment of judges	Promotion of judges	Recruitment of prosecutors	Promotion of prosecutors	Recruitment of non-judge staff	Promotion of non-judge staff
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 12.4.4 Policies for males/females equality at court and prosecution services level in 2024 (Q283)

Beneficiaries	At court and prosecution services level		
	Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work		
	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-judge staff
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 12.4.5 Evaluation studies or official reports regarding the main causes of possible inequalities in 2024 (Q286)

Beneficiaries	Evaluation studies or official reports regarding the main causes of possible inequalities with regard to:				
	Recruitment procedures	Appointment to the position of court president	Appointment to the position of head of prosecution services	Promotion procedures and access to the functions of responsibility	Other studies
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 12.4.6 Existence of statistical data disaggregated by gender in 2024 (Q287)

Beneficiaries	Existence of statistical data disaggregated by gender concerning the number of:		
	Persons who initiate a case in other than criminal matters	Victims recognised as such by the court	Perpetrators of criminal offences
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			

Yes	
No	
NA	
NAP	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 12.4.7 Implemented and planned measures in order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2024 (Q285)

Beneficiaries	Measures in order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility		
	Implemented	Planned	In case the situation has changed since the reference year
Albania	NAP	NAP	NAP
Bosnia and Herzegovina	NAP	NAP	NAP
Montenegro	NAP	NAP	NAP
North Macedonia	"Strategy on Gender Equality 2013-2020" and "Law on Equal Opportunities for women and men promulgated in 2012" are implemented. New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia. This is the basic strategic document of the Republic of North Macedonia, which establishes a comprehensive framework of activities for the promotion of gender equality and the promotion of the status of women. The Strategy is adopted for a period of six years 2022 - 2027, as a fourth strategic document in this area.	In order to improve the position of women in all areas of public and private life, according to the new Strategy, one of the specific goals is: Equal access to justice for all women and men. Also, a new Law on Gender Equality is still in a process of drafting. The draft text is reviewed by experts (TAIEX instrument) for its compliance with international standards. According to article 3 of the draft Law on Gender Equality, " The Law shall be applied by all state bodies, units of the local self-government, legal entities with public authorizations and all other legal entities in the area of: 4) Judiciary and administration".	The new Strategy for Gender Equality 2022-2027 as a new key document was adopted in 2022. According to the new Strategy one of the priority areas is Policy and Decision making. It is necessary to increase the number of women in decision-making positions in the executive branch, political parties, media, sports, local self-government, and also in all areas where no legal solutions or quotas are established and where women's participation is very low, according to the Commitment 50 -50. The increase in the number of women decision-makers should be done through incentive measures, and awareness rising, as well as binding legal measures. It is especially important to encourage women to participate in the decision-making structures in the local self-government units, where decisions and measures are made that directly affect the quality of life in the local self-government units. Also, in 2022 we must emphasize some important achieved activities for implementation of Istanbul Convention and Law on the prevention and protection from violence against women and domestic violence. Amendments of the Criminal Code and new criminal offenses in compliance with Istanbul Convention were adopted. Also, new bylaws for generating statistics in courts and public prosecution offices for domestic violence was adopted by the Minister of Justice in December 2022. At the end, the most important, the first Law on payment of monetary compensation to victims of criminal offenses (Law on state compensation) was adopted in November 2022. Implementation of this Law is starting from May 2023.
Serbia	NAP	NAP	NAP
Kosovo*	NAP	NAP	NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Indicator 12-Gender Equality

by country

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :
Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting
Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:
Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary ?
Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:
Question 285. In order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:
Question 286. Are there evaluation studies or official reports regarding the main causes of possible gender inequalities with regard to:
Question 287. Are there statistical data disaggregated by gender concerning the number of:

Albania
Q279 (General Comment): NA
Q279 (2024): At national level, the Commissioner against Discrimination is an independent institution dealing with gender equality issues. It has a special mandate providing effective protection against discrimination and any form of behaviour that cause discrimination. This institution was set up with the Law no. 10 221, date 4.2.2010, “On the protection from discrimination”, as amended.
Q279 (2023): NA
Q279 (2022): At national level, the Commissioner against Discrimination is an independent institution dealing with gender equality issues.
Q279 (2021): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Bosnia and Herzegovina
Q275 (General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment
and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well as persons seeking employment, with regard to sex, race etc.

Q276 (General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well as persons seeking employment, with regard to sex, race etc.

Q277 (2019): The Statistics agencies publish data on the distribution between males and females within all professions.

Q278 (2024): In October 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Strategy on Improving Gender Equality in the Judiciary of Bosnia and Herzegovina, based on which all judicial institutions will prepare their implementation plans.

The Strategy is available here: https://pravosudje.ba/vstvfo/E/141/article/95500 The Strategy was created within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 2, financed by the Government of Sweden, in cooperation with the Swedish National Courts Administration, as the coordinator of gender mainstreaming activities in the courts of Sweden and HJPC's long-term partner.

In 2021, the HJPC has carried out the piloting phase of implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH, in order to create good practices, which will be applied to other judicial institutions.

The piloting phase of implementation of the Strategy was carried out in four judicial institutions in the period March – October 2021.

In cooperation with pilot judicial institutions and Swedish experts, the HJPC has commenced the preparation of activities, with the purpose of implementing the Strategy in the entire judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In 2022, the HJPC has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.

The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the ambassadors from pilot judicial institutions.

In addition, the HJPC has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by their assessment and adoption.

As a result, the judicial institutions have commenced implementing their action plans in 2022, whilst the HJPC will regularly monitor their realization.

The Strategy is available here: https://pravosudje.ba/vstvfo/E/141/article/95500

Q278 (2023): In October 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Strategy on Improving Gender Equality in the Judiciary of Bosnia and Herzegovina, based on which all judicial institutions will prepare their implementation plans.
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The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

Q279 (General Comment): There is a general Gender Equality Agency.
This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

Q279 (2019): There is a general Gender Equality Agency.
This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality
Q283 (General Comment): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters, including the respect of gender equality.
Q283 (2019): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of gender equality.
Q287 (2024): First instance civil litigious cases initiated in 2024 - Plaintiffs: 61% (Male), 39% (Female).
First instance civil litigious cases initiated in 2024 - Defendants: 61% (Male), 39% (Female).
First instance administrative cases initiated in 2024 - Plaintiffs: 69% (Male), 31% (Female).
First instance criminal cases in 2024 - Defendants: 92% (Male), 8% (Female).
First instance criminal cases Injured by Criminal Offence in 2024: 64% (Male), 36% (Female).
Q287 (2023): First instance civil litigious cases initiated in 2023 - Plaintiffs: 63% (Male), 37% (Female).
First instance civil litigious cases initiated in 2023 - Defendants: 62% (Male), 38% (Female).
First instance administrative cases initiated in 2023 - Plaintiffs: 74% (Male), 26% (Female).
First instance criminal cases in 2023 - Defendants: 90% (Male), 10% (Female).
First instance criminal cases Injured by Criminal Offence in 2023: 66% (Male), 34% (Female).
Q287 (2022): Available data generated from the case management system in courts: First instance civil litigious cases initiated in 2022 - Plaintiffs: 61% (Male), 39% (Female).
First instance civil litigious cases initiated in 2022 - Defendants: 62% (Male), 38% (Female).
First instance administrative cases initiated in 2022 - Plaintiffs: 75% (Male), 25% (Female).
First instance criminal cases - Defendants: 91% (Male), 9% (Female).
First instance criminal cases Injured by Criminal Offence: 67% (Male), 33% (Female).

Q287 (2021): Available data generated from the case management system in courts: First instance civil litigious cases initiated in 2021 - Plaintiffs: 62% (Male), 38% (Female).
First instance civil litigious cases initiated in 2021 - Defendants: 63% (Male), 37% (Female).
First instance administrative cases initiated in 2020 - Plaintiffs: 69% (Male), 31% (Female).
First instance criminal cases - Defendants: 92% (Male), 8% (Female).
First instance criminal cases Injured by Criminal Offence: 66% (Male), 34%(Female).

Montenegro

Q275 (General Comment): Judges: Article 30 of The Law on Judicial Council and Judges
Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.
When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.
Prosecutors: According to the Law on State Prosection Service, in rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other minority national communities as well as gender balance.

Q275 (2024): Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them. When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
Q275 (2023): Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them. When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
Q275 (2022): Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them. When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
Q276 (2024): Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them. When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
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Q277 (General Comment): Article 30 of The Law on Judicial Council and Judges
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The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
Q287 (2022): The mentioned categories of persons are entered through the information system (PRIS).

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North Macedonia
Q275 (2024): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:
https://www.mtsp.gov.mk/content/pdf/2022/strategija_/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

Q275 (2023): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:
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Q275 (2021): According to the new Strategy for Gender Equality 2021-2026 (still in the parliamentary procedure) and article 3 of the draft Law on Gender Equality, " The Law shall be applied by all state bodies, units of the local self-government, legal entities with public authorizations and all other legal entities in the area of: ... 4) Judiciary and administration". (see also comment and attachment for Q278)
Q276 (2021): See answers Q275 and Q278
Q277 (2021): See answers Q275 and Q278
Q278 (General Comment): The Law for the promotion of equal rights between woman and man contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy for gender equality 2022 - 2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:
https://www.mtsp.gov.mk/content/pdf/2022/strategija_/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

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https://www.mtsp.gov.mk/content/pdf/2022/strategija_/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf
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Q278 (2021): "Strategy on Gender Equality 2013-2020" and "Law on Equal Opportunities for women and men promulgated in 2012" (in attach documents 2 and 3) are implemented.
The Government of the Republic of North Macedonia on July 19, 2021 adopted the text of the new Strategy for Gender Equality 2021-2026, now in the parliamentary procedure for adoption. The Strategy is the basic strategic document of the Republic of North Macedonia, which establishes a comprehensive framework of activities for the promotion of gender equality and the promotion of the status of women. The Strategy is adopted for a period of six years 2021 - 2026, as a fourth strategic document in this area. According to the new Strategy 2021-2026, one of the priority areas is Policy and Decision making. It is necessary to increase the number of women in decision-making positions in the executive branch, political parties, media, sports, local self-government, and also in all areas where no legal solutions or quotas are established and where women's participation is very low, according to the Commitment 50 -50. The increase in the number of women decision-makers should be done through incentive measures, and awareness rising, as well as binding legal measures. It is especially important to encourage women to participate in the decision-making structures in the local self-government units, where decisions and measures are made that directly affect the quality of life in the local self-government units. In order to improve the position of women in all areas of public and private life, according to the new Strategy, one of the specific goals is: Equal access to justice for all women and men. (Annex document 1 "Strategy for Gender Equality 2021-2026). Also, a new Law on Gender Equality is being drafted. The draft text is reviewed by experts (TAIEX instrument) for its compliance with international standards. (attach 1 "Law on Gender Equality" - English version of the draft law that will be changed)

Q279 (General Comment): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.
Legal Representative
Article 21
(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of women and men. Act of the legal representative has a character of opinion and recommendation.
Q279 (2024): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.
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Q279 (2021): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Q286 (2021): There are no problems in these areas.

Serbia

Q275 (General Comment): The Constitution and relevant legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality Between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation: http://www.legislationline.org/documents/action/popup/id/16015 and in Serbian: https://www.paragraf.rs/propisi/zakon_o_ravnopravnosti_polova.html) additionally stress equality before law of both women and men; that all people are equal and enjoy the same status and equal legal protection regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public authorities. Discriminatory treatment by an official, namely by a responsible person of public authority is considered severe violation of work duty pursuant to law. (for more information please see: http://europa.rs/files//Gender_Equality/Gender-Analysis-Serbia-dec-2016.pdf, IPA – PRE-ACCESION INSTRUMENT (NEAR) GENDER ANALYSIS FOR SERBIA Letter of Contract N°2016/377481, FINAL REPORT, Prepared by Mirjana Dokmanovic December 2016, IBF International Consulting).

Q275 (2024): Article 52 of the Law on Judges (“Official Gazette of RS", No. 10/2023) stipulates that during the selection and nomination of candidates for a judge, discrimination on any basis is prohibited. Law on the public prosecutors (“Official Gazette of RS", No. 10/2023) Prohibition of discrimination Article 85.
During the selection and nomination of candidates for the position of public prosecutor, discrimination on any basis is prohibited. When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account.

Q275 (2023): Article 52 of the Law on Judges (“Official Gazette of RS", No. 10/2023) stipulates that during the selection and nomination of candidates for a judge, discrimination on any basis is prohibited.
Law on the public prosecutors (“Official Gazette of RS", No. 10/2023)
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During the selection and nomination of candidates for the position of public prosecutor, discrimination on any basis is prohibited.
When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account.

Q275 (2021): Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.
For example, Article 46 of the Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) stipulates that when electing a judge and proposing the election of a judge, discrimination on any grounds is prohibited. According to Amendments to Rules of Procedure of the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on any grounds is prohibited.

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For example, Article 46 of the Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) stipulates that when electing a judge and proposing the election of a judge, discrimination on any grounds is prohibited. According to Amendments to Rules of Procedure of the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on any grounds is prohibited.

Q278 (2022): HR Strategy (2022-2026) with Accompanying Action plan
https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2021/133/1
(the document is available only in Serbian). This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the Law on Gender Equality).
There is no specific gender equality strategy in the judiciary. In Republic of Serbia, there is HR Strategy in the Judiciary adopted for period from 2022-2026 and. This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the Law on Gender Equality)
Q279 (2021): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister of Justice is a member. Please see: https://www.rodnaravnopravnost.gov.rs/.

Q285 (General Comment): As statistics point out, gender balance in Serbian judiciary is generally present in terms to access to different judicial professions.
With respect to the promotion of non-judge staff, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues in 2016 and 2018. Namely, on 1 June 2018, the Commissioner for Protection of Equality in Serbia issued a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/). This is a follow-up on the recommendations issued on April 20, 2016 by the Commissioner, following an application filed by S.V. and A.M.M. from Kragujevac against the Basic Court in Kragujevac. The applicants were denied promotion under same conditions as other employees due to maternity leave and childcare parental leave. The applicants stated in their complaints that during 2012 and 2013 they received maximum job performance marks but that in 2015 they failed to be promoted as they were not given a job performance mark in 2014 since they were on maternity and childcare parental leave respectively. The Basic Court in Kragujevac stated in its justification that applicants were not eligible for promotion as they had not received the highest job performance mark for the second year in the row since they were not assessed in 2014. The Commissioner for the Protection of Equality has issued a recommendation to the Basic Court in Kragujevac instructing them to implement the regulations governing the promotion of civil servants correctly and in such a way as to prevent putting them in a disadvantaged position due to a protected characteristics, that is, the Court is advised to consider the possibilities for their promotion by taking into account the job performance marks they have already been awarded i.e. to disregard the year in which they have not received a job performance mark due to maternity and childcare parental leaves (please see: http://ravnopravnost.gov.rs/en/complaint-filed-by-s-v-and-a-m-m-against-basic-court-in-kragujevac-for-discrimination-on-grounds-of-family-status-in-area-of-work-and-employment/).
Wage compensation to employed pregnant women has been enhanced upon enacting of the new Law on Financial Support to Families with Children ("Official Gazette of RS no. 113/2017) in December 2017, which is applicable from 1 July 2018 (please see: http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2017/3743-17%20lat.pdf). The law is based on several previously conducted analyses, and to a great extent improves the financial position of employed parents (please see: https://www.unicef.org/serbia/novcana_davanja_za_decu_i_porodice_sa_decom_u_rs.pdf; http://www.oknis.org.rs/wp-content/uploads/2013/03/Financial-Assistance-to-Families-with-Children.pdf).
The Action plan for Chapter 23 in EU Integration provides for the following activities which have been implemented:
3.6.1.9. Analysis of the effects of current National Strategy for improving the status of women and promoting gender equality ("Official Gazette RS ", No. 15/09). (deadline: IV quarter of 2015); 3.6.1.10. Development and adoption of a new National Strategy for improving the status of women and promoting gender equality and adoption of Action Plan for its implementation (deadline: for adoption: IV quarter of 2015; for implementation of the Action Plan: Continuously, commencing from IV quarter of 2015). On January 14, 2016, the Government of the Republic of Serbia adopted the new National Strategy for Gender Equality for the period 2016-2020, as well as an Action plan for its implementation, which are to provide greater economic empowerment of women and enhance their involvement in the political life; it would also enable them to occupy important leadership positions within the government, both at the local and national level (please see: http://socijalnoukljucivanje.gov.rs/en/the-national-strategy-for-gender-equality-until-2020-adopted/).
The Coordination Body for Gender Equality, established on 30 October 2014, meets on a monthly basis in order to consider questions of gender equality. Please see:

Q286 (2023): No to every listed point on question 286
Q287 (2021): Relevant statistics do not exist.

Kosovo*

Q275 (General Comment): The Law on KPC, Article 7, paragraph 5 stipulates the duty of the Council among others to ensure the implementation and oversighting of the requirements for admission to the prosecution office, which should be made in accordance with the principles of merit, equal opportunities, gender equality, non-discrimination and equal representation. Article 20, paragraph 6 when elaborating the recruitment process stipulates as following: Giving priority to candidates with equal qualifications from under-represented communities will be implemented while the percentage of non-majority community prosecutors in Kosovo is below fifteen per cent (15%) and/or while the percentage of prosecutors who are members of the Kosovo Serb community is below eight percent (8%).
Q275 (2023): Lawyers category: The Governing Council of the KCA for the year 2022 and 2023, has decided to make it easier for lawyers who are on maternity leave to practice the profession of lawyer, issued Decision no. 1962-1/2021, dt. 31.12.2021 and Decision no. 1458-2/22, with which lawyers in maternity have been released from paying the annual membership.
Q275 (2022): Lawyers category: The Governing Council of the KCA for the year 2022 and 2023, has decided to make it easier for lawyers who are on maternity leave to practice the profession of lawyer, issued Decision no. 1962-1/2021, dt. 31.12.2021 and Decision no. 1458-2/22, with which lawyers in maternity have been released from paying the annual membership.
Q276 (General Comment): There are no specific provisions for facilitating gender equality. The Article 7 of the Law on the Prosecutorial Council is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it can be specified in the call for application based on the Article 7 of the Law on the Prosecutorial Council.
Q277 (2021): Article 7, paragraph 5 and article 20 paragraph 6 of Law on Kosovo Prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709)
Q278 (2024): There is a Law on Gender Equality, however it does not apply specifically to the judiciary.
Q278 (2023): https://gzk.rks-gov.net/SearchIn.aspx?Index=2&s=Ligji+barazi+gjinore&so=1&CatID=5%2c6
Q279 (General Comment): In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender.
The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by promoting equality and respect for all.
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Q286 (2023): Report of British Project “Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.
Q286 (2022): Report of British Project “Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.
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Indicator 12-Gender Equality

by question No.

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :
Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting
Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:
Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary ?
Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:
Question 285. In order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:
Question 286. Are there evaluation studies or official reports regarding the main causes of possible gender inequalities with regard to:
Question 287. Are there statistical data disaggregated by gender concerning the number of:

Question 275

Bosnia and Herzegovina

(General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well as persons seeking employment, with regard to sex, race etc.

Montenegro

(General Comment): Judges: Article 30 of The Law on Judicial Council and Judges
Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.
When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.
Prosecutors: According to the Law on State Prosection Service, in rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other minority national communities as well as gender balance.

(2024): Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them. When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.

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North Macedonia
(2024): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:
https://www.mtsp.gov.mk/content/pdf/2022/strategija_/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

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(2021): According to the new Strategy for Gender Equality 2021-2026 (still in the parliamentary procedure) and article 3 of the draft Law on Gender Equality, " The Law shall be applied by all state bodies, units of the local self-government, legal entities with public authorizations and all other legal entities in the area of: ... 4) Judiciary and administration". (see also comment and attachment for Q278)

Serbia

(General Comment): The Constitution and relevant legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality Between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation: http://www.legislationline.org/documents/action/popup/id/16015 and in Serbian: https://www.paragraf.rs/propisi/zakon_o_ravnopravnosti_polova.html) additionally stress equality before law of both women and men; that all people are equal and enjoy the same status and equal legal protection regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public authorities. Discriminatory treatment by an official, namely by a responsible person of public authority is considered severe violation of work duty pursuant to law. (for more information please see: http://europa.rs/files//Gender_Equality/Gender-Analysis-Serbia-dec-2016.pdf, IPA – PRE-ACCESION INSTRUMENT (NEAR) GENDER ANALYSIS FOR SERBIA Letter of Contract N°2016/377481, FINAL REPORT, Prepared by Mirjana Dokmanovic December 2016, IBF International Consulting).

(2024): Article 52 of the Law on Judges (“Official Gazette of RS", No. 10/2023) stipulates that during the selection and nomination of candidates for a judge, discrimination on any basis is prohibited. Law on the public prosecutors (“Official Gazette of RS", No. 10/2023) Prohibition of discrimination Article 85.
During the selection and nomination of candidates for the position of public prosecutor, discrimination on any basis is prohibited. When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account.

(2023): Article 52 of the Law on Judges (“Official Gazette of RS", No. 10/2023) stipulates that during the selection and nomination of candidates for a judge, discrimination on any basis is prohibited.
Law on the public prosecutors (“Official Gazette of RS", No. 10/2023)
Prohibition of discrimination
Article 85.
During the selection and nomination of candidates for the position of public prosecutor, discrimination on any basis is prohibited.
When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account.

(2021): Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.
For example, Article 46 of the Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) stipulates that when electing a judge and proposing the election of a judge, discrimination on any grounds is prohibited. According to Amendments to Rules of Procedure of the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on any grounds is prohibited.

Kosovo*

(General Comment): The Law on KPC, Article 7, paragraph 5 stipulates the duty of the Council among others to ensure the implementation and oversighting of the requirements for admission to the prosecution office, which should be made in accordance with the principles of merit, equal opportunities, gender equality, non-discrimination and equal representation. Article 20, paragraph 6 when elaborating the recruitment process stipulates as following: Giving priority to candidates with equal qualifications from under-represented communities will be implemented while the percentage of non-majority community prosecutors in Kosovo is below fifteen per cent (15%) and/or while the percentage of prosecutors who are members of the Kosovo Serb community is below eight percent (8%).

(2023): Lawyers category: The Governing Council of the KCA for the year 2022 and 2023, has decided to make it easier for lawyers who are on maternity leave to practice the profession of lawyer, issued Decision no. 1962-1/2021, dt. 31.12.2021 and Decision no. 1458-2/22, with which lawyers in maternity have been released from paying the annual membership.

(2022): Lawyers category: The Governing Council of the KCA for the year 2022 and 2023, has decided to make it easier for lawyers who are on maternity leave to practice the profession of lawyer, issued Decision no. 1962-1/2021, dt. 31.12.2021 and Decision no. 1458-2/22, with which lawyers in maternity have been released from paying the annual membership.

Question 276

Bosnia and Herzegovina

(General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well as persons seeking employment, with regard to sex, race etc.

Montenegro

(2024): Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them. When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.
The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.

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North Macedonia
(2021): See answers Q275 and Q278

Serbia
(2021): Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.
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Kosovo*
(General Comment): There are no specific provisions for facilitating gender equality. The Article 7 of the Law on the Prosecutorial Council is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it can be specified in the call for application based on the Article 7 of the Law on the Prosecutorial Council.

Question 277

Bosnia and Herzegovina
(2019): The Statistics agencies publish data on the distribution between males and females within all professions.

Montenegro

(General Comment): Article 30 of The Law on Judicial Council and Judges
Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.
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North Macedonia

(2021): See answers Q275 and Q278

Kosovo*

(2021): Article 7, paragraph 5 and article 20 paragraph 6 of Law on Kosovo Prosecutorial council: https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709)

Question 278

Bosnia and Herzegovina

(2024): In October 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Strategy on Improving Gender Equality in the Judiciary of Bosnia and Herzegovina, based on which all judicial institutions will prepare their implementation plans.

The Strategy is available here: https://pravosudje.ba/vstvfo/E/141/article/95500 The Strategy was created within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 2, financed by the Government of Sweden, in cooperation with the Swedish National Courts Administration, as the coordinator of gender mainstreaming activities in the courts of Sweden and HJPC's long-term partner.

In 2021, the HJPC has carried out the piloting phase of implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH, in order to create good practices, which will be applied to other judicial institutions.

The piloting phase of implementation of the Strategy was carried out in four judicial institutions in the period March – October 2021.

In cooperation with pilot judicial institutions and Swedish experts, the HJPC has commenced the preparation of activities, with the purpose of implementing the Strategy in the entire judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In 2022, the HJPC has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.

The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the ambassadors from pilot judicial institutions.

In addition, the HJPC has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by their assessment and adoption.

As a result, the judicial institutions have commenced implementing their action plans in 2022, whilst the HJPC will regularly monitor their realization.

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North Macedonia

(General Comment): The Law for the promotion of equal rights between woman and man contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy for gender equality 2022 - 2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:
https://www.mtsp.gov.mk/content/pdf/2022/strategija_/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

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(2021): "Strategy on Gender Equality 2013-2020" and "Law on Equal Opportunities for women and men promulgated in 2012" (in attach documents 2 and 3) are implemented. The Government of the Republic of North Macedonia on July 19, 2021 adopted the text of the new Strategy for Gender Equality 2021-2026, now in the parliamentary procedure for adoption. The Strategy is the basic strategic document of the Republic of North Macedonia, which establishes a comprehensive framework of activities for the promotion of gender equality and the promotion of the status of women. The Strategy is adopted for a period of six years 2021 - 2026, as a fourth strategic document in this area. According to the new Strategy 2021-2026, one of the priority areas is Policy and Decision making. It is necessary to increase the number of women in decision-making positions in the executive branch, political parties, media, sports, local self-government, and also in all areas where no legal solutions or quotas are established and where women's participation is very low, according to the Commitment 50 -50. The increase in the number of women decision-makers should be done through incentive measures, and awareness rising, as well as binding legal measures. It is especially important to encourage women to participate in the decision-making structures in the local self-government units, where decisions and measures are made that directly affect the quality of life in the local self-government units. In order to improve the position of women in all areas of public and private life, according to the new Strategy, one of the specific goals is: Equal access to justice for all women and men. (Annex document 1 "Strategy for Gender Equality 2021-2026). Also, a new Law on Gender Equality is being drafted. The draft text is reviewed by experts (TAIEX instrument) for its compliance with international standards. (attach 1 "Law on Gender Equality" - English version of the draft law that will be changed)

Serbia

(2022): HR Strategy (2022-2026) with Accompanying Action plan
https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2021/133/1
(the document is available only in Serbian). This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the Law on Gender Equality).
There is no specific gender equality strategy in the judiciary. In Republic of Serbia, there is HR Strategy in the Judiciary adopted for period from 2022-2026 and. This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the Law on Gender Equality)

Kosovo*

(2024): There is a Law on Gender Equality, however it does not apply specifically to the judiciary.

(2023): https://gzk.rks-gov.net/SearchIn.aspx?Index=2&s=Ligji+barazi+gjinore&so=1&CatID=5%2c6

Question 279

Albania

(General Comment): NA

(2024): At national level, the Commissioner against Discrimination is an independent institution dealing with gender equality issues. It has a special mandate providing effective protection against discrimination and any form of behaviour that cause discrimination. This institution was set up with the Law no. 10 221, date 4.2.2010, “On the protection from discrimination”, as amended.

(2023): NA

(2022): At national level, the Commissioner against Discrimination is an independent institution dealing with gender equality issues.

(2021): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Bosnia and Herzegovina

(General Comment): There is a general Gender Equality Agency.
This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

(2019): There is a general Gender Equality Agency.
This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality

North Macedonia

(General Comment): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.
Legal Representative
Article 21
(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of women and men. Act of the legal representative has a character of opinion and recommendation.

(2024): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

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(2021): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Serbia

(2021): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister of Justice is a member. Please see: https://www.rodnaravnopravnost.gov.rs/.

Kosovo*

(General Comment): In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender.
The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by promoting equality and respect for all.

(2024): In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender.
The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by promoting equality and respect for all.

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The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by promoting equality and respect for all.

(2021): In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender.
The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by promoting equality and respect for all.

Question 283

Bosnia and Herzegovina
(General Comment): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters, including the respect of gender equality.

(2019): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of gender equality.

Question 285

Serbia

(General Comment): As statistics point out, gender balance in Serbian judiciary is generally present in terms to access to different judicial professions.
With respect to the promotion of non-judge staff, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues in 2016 and 2018. Namely, on 1 June 2018, the Commissioner for Protection of Equality in Serbia issued a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/). This is a follow-up on the recommendations issued on April 20, 2016 by the Commissioner, following an application filed by S.V. and A.M.M. from Kragujevac against the Basic Court in Kragujevac. The applicants were denied promotion under same conditions as other employees due to maternity leave and childcare parental leave. The applicants stated in their complaints that during 2012 and 2013 they received maximum job performance marks but that in 2015 they failed to be promoted as they were not given a job performance mark in 2014 since they were on maternity and childcare parental leave respectively. The Basic Court in Kragujevac stated in its justification that applicants were not eligible for promotion as they had not received the highest job performance mark for the second year in the row since they were not assessed in 2014. The Commissioner for the Protection of Equality has issued a recommendation to the Basic Court in Kragujevac instructing them to implement the regulations governing the promotion of civil servants correctly and in such a way as to prevent putting them in a disadvantaged position due to a protected characteristics, that is, the Court is advised to consider the possibilities for their promotion by taking into account the job performance marks they have already been awarded i.e. to disregard the year in which they have not received a job performance mark due to maternity and childcare parental leaves (please see: http://ravnopravnost.gov.rs/en/complaint-filed-by-s-v-and-a-m-m-against-basic-court-in-kragujevac-for-discrimination-on-grounds-of-family-status-in-area-of-work-and-employment/).
Wage compensation to employed pregnant women has been enhanced upon enacting of the new Law on Financial Support to Families with Children ("Official Gazette of RS no. 113/2017) in December 2017, which is applicable from 1 July 2018 (please see: http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2017/3743-17%20lat.pdf). The law is based on several previously conducted analyses, and to a great extent improves the financial position of employed parents (please see: https://www.unicef.org/serbia/novcana_davanja_za_decu_i_porodice_sa_decom_u_rs.pdf; http://www.oknis.org.rs/wp-content/uploads/2013/03/Financial-Assistance-to-Families-with-Children.pdf).
The Action plan for Chapter 23 in EU Integration provides for the following activities which have been implemented:
3.6.1.9. Analysis of the effects of current National Strategy for improving the status of women and promoting gender equality ("Official Gazette RS ", No. 15/09). (deadline: IV quarter of 2015); 3.6.1.10. Development and adoption of a new National Strategy for improving the status of women and promoting gender equality and adoption of Action Plan for its implementation (deadline: for adoption: IV quarter of 2015; for implementation of the Action Plan: Continuously, commencing from IV quarter of 2015). On January 14, 2016, the Government of the Republic of Serbia adopted the new National Strategy for Gender Equality for the period 2016-2020, as well as an Action plan for its implementation, which are to provide greater economic empowerment of women and enhance their involvement in the political life; it would also enable them to occupy important leadership positions within the government, both at the local and national level (please see: http://socijalnoukljucivanje.gov.rs/en/the-national-strategy-for-gender-equality-until-2020-adopted/).
The Coordination Body for Gender Equality, established on 30 October 2014, meets on a monthly basis in order to consider questions of gender equality. Please see:

Question 286

North Macedonia
(2021): There are no problems in these areas.

Serbia

(2023): No to every listed point on question 286

Kosovo*

(2023): Report of British Project "Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.

(2022): Report of British Project "Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.

(2021): Report of British Project "Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.

Question 287

Bosnia and Herzegovina

(2024): First instance civil litigious cases initiated in 2024 - Plaintiffs: 61% (Male), 39% (Female).
First instance civil litigious cases initiated in 2024 - Defendants: 61% (Male), 39% (Female).
First instance administrative cases initiated in 2024 - Plaintiffs: 69% (Male), 31% (Female).
First instance criminal cases in 2024 - Defendants: 92% (Male), 8% (Female).
First instance criminal cases Injured by Criminal Offence in 2024: 64% (Male), 36% (Female).

(2023): First instance civil litigious cases initiated in 2023 - Plaintiffs: 63% (Male), 37% (Female).
First instance civil litigious cases initiated in 2023 - Defendants: 62% (Male), 38% (Female).
First instance administrative cases initiated in 2023 - Plaintiffs: 74% (Male), 26% (Female).
First instance criminal cases in 2023 - Defendants: 90% (Male), 10% (Female).
First instance criminal cases Injured by Criminal Offence in 2023: 66% (Male), 34% (Female).

(2022): Available data generated from the case management system in courts: First instance civil litigious cases initiated in 2022 - Plaintiffs: 61% (Male), 39% (Female).
First instance civil litigious cases initiated in 2022 - Defendants: 62% (Male), 38% (Female).
First instance administrative cases initiated in 2022 - Plaintiffs: 75% (Male), 25% (Female).
First instance criminal cases - Defendants: 91% (Male), 9% (Female).
First instance criminal cases Injured by Criminal Offence: 67% (Male), 33% (Female).

(2021): Available data generated from the case management system in courts: First instance civil litigious cases initiated in 2021 - Plaintiffs: 62% (Male), 38% (Female).
First instance civil litigious cases initiated in 2021 - Defendants: 63% (Male), 37% (Female).
First instance administrative cases initiated in 2020 - Plaintiffs: 69% (Male), 31% (Female).
First instance criminal cases - Defendants: 92% (Male), 8% (Female).
First instance criminal cases Injured by Criminal Offence: 66% (Male), 34%(Female).

Montenegro

(2022): The mentioned categories of persons are entered through the information system (PRIS).

(2021): The mentioned categories of persons are entered through the information system (PRIS).

Serbia

(2021): Relevant statistics do not exist.

Overview of Reforms

Overview of Reforms

Undergoing or foreseen reforms (part 1/2) (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Undergoing or foreseen reforms (part 2/2) (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Undergoing or foreseen reforms (part 1/2) (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Beneficiaries	(Comprehensive) reform plans			Budget			Courts and public prosecution services			Access to justice and legal aid			High Judicial Council and High Prosecutorial Council			Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects		
	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented
Albania																		
Bosnia and Herzegovina																		
Montenegro																		
North Macedonia																		
Serbia																		
Kosovo*																		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Undergoing or foreseen reforms (part 2/2) (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Beneficiaries	Gender equality			Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities			Mediation and other ADR			Fight against corruption and accountability mechanisms			Domestic violence			New information and communication technologies		
	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented	Planned	Adopted	Implemented
Albania																		
Bosnia and Herzegovina																		
Montenegro																		
North Macedonia																		
Serbia																		
Kosovo*																		

Yes
No
NA
NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Reforms planned

by country

Question 288-1. (Comprehensive) reform plans
Question 288-2. Budget
Question 288-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Question 288-4. Access to justice and legal aid
Question 288-5. High Judicial and High Prosecutorial Council
Question 288-6. Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects
Question 288-7. Gender equality
Question 288-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities
Question 288-9. Mediation and other Alternative Dispute Resolution
Question 288-10. Fight against corruption and accountability mechanisms
Question 288-11. Domestic violence
Question 288-12. New information and communication technologies

Albania

Q288-1 (2024): In 2016, the Albanian Parliament adopted a radical and comprehensive constitutional and Justice Reform for the organization and functioning of the justice system. As a result, High Prosecutorial Council was established as an institution that guarantees the independence, accountability, discipline, status and career of prosecutors. It is responsible for the appointment, evaluation, promotion and transfer of prosecutors of all levels, decides on disciplinary measures against prosecutors of all levels, proposes candidates for Prosecutor General to the Parliament, approves the rules on the ethics of prosecutors and supervises their compliance, proposes and administers its budget, informs the public and the Parliament on the state of the prosecution, etc.
Through this reform, also were created other institutions such as the High Judicial Council, the High Inspector of Justice, the Council for Judicial Appointments, and was resized the mandate of the School of Magistrates. This mosaic of institutions has complemented and strengthened the independence and autonomy of the justice system as one of the three branches of government, compared to the previous model. The above institutions are in the phase of implementing the legal provisions adopted with the Justice Reform by consolidating work practices to guarantee the independence, accountability, efficiency and transparency of the justice system.
Also, in 2024, the Assembly of Albania established the special Parliamentary Committee for Deepening Reforms for Good Governance, Rule of Law and Anti-Corruption for Albania 2030 in the European Union. The purpose of the work of this special Committee is to further consolidate the Justice Reform and deepen the implementation of the legal and institutional reform framework by ensuring effective cooperation of justice institutions, allocation of sufficient resources and efficient functioning of the justice sector. The work of this Committee is ongoing and is in the early stages.

Q288-3 (2024): The Albanian government is financing the design and implementation of an Information Case Management System that will allow for management of cases under investigation as well as communication with the court’s management system.

Q288-3 (2022): As per the new judicial map, decided in 2022 there will be a reduction of the numbur of courts. For instance a total of 18 courts will close. 5 Apeal Courts, 13 First Instance Courts. HPC: With Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", the Council of Ministers has approved the proposal of the Minister of Justice, for the reorganization of the distribution of courts in the territory of the country. According to this decision, throughout the country will operate a total of 13 courts of first instance of general jurisdiction, 1 Court of Appeal of General Jurisdiction and 2 administrative courts of first instance. According to the law, the prosecutor's offices work alongside the judicial system. Consequently, the organization of the prosecution offices will be carried out in accordance with the new judicial map, respectively, near the courts of first instance of general jurisdiction and the Court of Appeal of General Jurisdiction. Specifically, out of 23 prosecutor's offices that are currently in place will function only 13 prosecutor's offices, and out of 6 prosecutor's offices at the appeal level that are currently in place will function only 1 prosecutor's appeal office.
Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", of the Council of Ministers has determined deadlines during the year 2023 for the merger of the courts according to the new map, dictating the merger of the prosecution offices in accordance with this regulation
With Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", the Council of Ministers has approved the proposal of the Minister of Justice, for the reorganization of the distribution of courts in the territory of the country. According to this decision, throughout the country will operate a total of 13 courts of first instance of general jurisdiction, 1 Court of Appeal of General Jurisdiction and 2 administrative courts of first instance. According to the law, the prosecutor's offices work alongside the judicial system. Consequently, the organization of the prosecution offices will be carried out in accordance with the new judicial map, respectively, near the courts of first instance of general jurisdiction and the Court of Appeal of General Jurisdiction. Specifically, out of 23 prosecutor's offices that are currently in place will function only 13 prosecutor's offices, and out of 6 prosecutor's offices at the appeal level that are currently in place will function only 1 prosecutor's appeal office.
Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", of the Council of Ministers has determined deadlines during the year 2023 for the merger of the courts according to the new map, dictating the merger of the prosecution offices in accordance with this regulation.

Q288-8 (2024): Amendments to the Civil Procedure Code, 30.05.2021 Amendments to the Criminal Procedure Code, 30.05.2021
Amendments to the Criminal Code 01.06.2021

Bosnia and Herzegovina

Q288-1 (2024): Ministry of Justice of Bosnia and Herzegovina is in charge of coordinating the preparation of Justice Sector Reform Framework Strategy of Bosnia and Herzegovina (JSRFS) and its Action plan for the five year period (Status of the document: Proposal under preparation). High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC BiH) participates in its preparation by proposing measures mostly related to the pillar 1. Judiciary.
The Reform Plan 2024 – 2026, adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina includes, among others, the measures 5. Ensure full implementation of the new concept of the work of the Panel for the Harmonization of Judicial Practice and 6. Ensure full implementation of the new HJPC BiH Guidelines for the publication of court and prosecutorial decisions, acts and information on cases. The Reform Plan is available at the following link:
https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1182/117428/4572

Q288-1 (2023): Under the coordination of the Ministry of Justice of Bosnia and Herzegovina, the development of the Strategy for reform of the justice sector in Bosnia and Herzegovina is underway. The Strategy is envisaged as a comprehensive document with objectives aimed at improving the judicial sector in Bosnia and Herzegovina.
The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted its new Reform Program covering period 2024-2026.
Q288-1 (2022): Reform Programme of HJPC for the period 2021 – 2023 has been adopted in May 2021 (available on: https://vstv.pravosudje.ba/, Activities, European Integration, Recommendations European Commission) and its Implementation Plan in September 2021. It takes into account recommendations of the European Commission's Peer Review assessment missions, that were carried out between 2016 – 2017, the European Commission's Opinion on Bosnia and Herzegovina's application for membership of the European Union from May 2019 and the
accompanying Analytical Report of the European Commission, the Expert Report on Rule of Law Issues in Bosnia and Herzegovina from December 2019 (the Priebe Report), recommendations of the European Commission sent to BiH institutions after the 4th and 5th meetings of the Subcommittee for Justice, Freedom and Security, as well as the third Annual OSCE Report on Judicial Response to Corruption and documents prepared within the framework of USAID's project - The Judiciary against Corruption "Assessing procedures and processes in cases involving high-profile corruption,organised crime and commercial crime".

Q288-2 (2024): The HJPC is implementing activities aimed at improving the court financing system. During 2024, the HJPC developed the Court Budget Management Module, which enables online data exchange between courts and the HJPC. Also, in accordance with Article 17 of the Law on the HJPC of BiH, the HJPC has taken an active part in the process of drafting and planning the court budget, as well as negotiations with the legislative and executive authorities.
The HJPC BiH trained court staff for the purpose of developing a Program for the Current and Investment Maintenance of Court Buildings.
The HJPC BiH provides advisory support to courts in terms of developing programs for current and investment maintenance of court buildings and implementing capital investments in courts.

Q288-2 (2023): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter: HJPC BiH) is implementing activities aimed to improving the court funding system. Pursuant to Article 17 of the Law on High Judicial and Prosecutorial Council of BiH, the HJPC BiH participates in the drafting of annual budgets for the courts and prosecutor's offices, whereby it assesses the adequacy of the budget, collects and analyses reports and relevant budget and revenue data for courts and prosecutor's offices, advises courts and prosecutor's offices on appropriate and effective budget, administration and management techniques and procedures in this regard, and advocates for adequate and continuous funding of courts and prosecutor's offices in Bosnia and Herzegovina.
In order to improve the capital investments planning in the courts, the HJPC BiH has created an Instruction for the creation of Court building maintenance program. The Instruction clarifies to the courts the type, scope and dynamics of ongoing and investment building maintenance activities, as well as the way of creating a building maintenance program, all with the aim of proper and timely planning of capital investments as well as preventing the occurrence of major damage in buildings.

Q288-3 (2024): Debate on the reform of state level judiciary and drafting of the new Law on Courts of Bosnia and Herzegovina is still ongoing; the legislative debate focuses on the establishment of the Appellate/Higher Court of Bosnia and Herzegovina and redefining, in clear terms, criminal jurisdiction of state level judicial institutions. There are no other plans to reform legislation on the competencies and organization of courts and prosecutor's offices.
Furthermore, in accordance with Guideline for creation of the plans for solving cases (adopted by HJPC in 2011), courts are required to develop plans for solving cases. Thanks to the activities of developing plans for solving cases, courts resolved more than 1.8 million of the oldest cases in the period from 2011 to 2024.
Also, HJPC is implementing activities aimed to improving system for redistribution of cases among available judges in the court and more adequate application of the Book of Rules on Orientational Measures for the Performance of Judges and Legal Associates in the Courts in BiH. During 2024, amendments to the Book of Rules on Orientational Measures for the Performance of Judges and Legal Associates in the Courts in BiH were adopted, with the aim of improving the case evaluation system.
In order to more easily monitor the results of the work of courts, the HJPC BiH has developed an online platform for publishing the Court Efficiency Indicators, which will be available to users during 2025.
As one of the measures to enhance efficiency and quality in judicial work, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) implemented the reorganization of business processes in 18 first-instance courts. This initiative aimed to improve the internal organization of courts by delegating administrative tasks from judges to non-judicial staff, thereby ensuring the optimal use of human resources and leading to a more efficient, effective, and high-quality resolution of cases.
With the successful implementation of the new work model in these 18 target courts, its solid foundation and positive results have demonstrated the need for further dissemination. To support this process, mentor courts have been selected to lead the expansion of the new work methodology to additional first-instance courts.

Q288-3 (2023): Debate on the reform of state level judiciary and drafting of the new Law on Courts of Bosnia and Herzegovina is still ongoing; the legislative debate focuses on the establishment of the Appellate/Higher Court of Bosnia and Herzegovina and redefining, in clear terms, criminal jurisdiction of state level judicial institutions. There are no other plans to reform regulation on the competencies and organization of court system and prosecutor's offices.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina implemented the reorganization of business processes in the target courts and start the process of dissemination to all courts. The primary aim of the reorganization of business processes is to improve the internal organization of courts through the delegation of administrative tasks from judges to non-judicial staff, in order to achieve the full effect of the work of non-judicial staff, which ultimately results in more efficient, effective and better resolution of cases. With the aim of achieving efficient changes in the organization of work in the courts, a work methodology has been established. Thanks to the implementation of an innovative way of working, significant improvements have been achieved in other regulations and bylaws, with the aim of creating conditions for the sustainability and improvement of the innovative work model. In this sense, job descriptions were defined and a proposal was adopted for the systematization of a new staff category "drafting lawyer for providing assistance to judges". A new category of staff, from the perspective of expertise, will provide judges with the necessary professional assistance. From an efficiency standpoint, they will work together with a court assistant and an trainees, forming a triage system. The aim of this system is to prepare cases for trial. The judicial triage system enables optimal resource utilization, prioritizing actions based on urgency and relevance.

Q288-3 (2022): Planned reforms:
Debate on the reform of state level judiciary and drafting of the new Law on Courts of BiH is still ongoing; the legislative debate focuses on the establishment of the Appellate/Higher Court of BiH and redefining, in clear terms, criminal jurisdiction of state level judicial institutions. There are no plans set to reform regulation on the competencies and organization of court system and prosecutor’s offices.
Implemented reforms:
The HJPC of Bosnia and Herzegovina adopted a new Book of Rules on performance indicators for prosecutors in Bosnia and Herzegovina (hereinafter: " Book of Rules ") at the session held on January 17 and 18 in 2022. The Book of Rules seek to ensure uniform application of the rules on measuring and evaluating of the performance of all prosecutors and to ensure more efficient performance of prosecutors and prosecutor's offices in Bosnia-Herzegovina.
The new Book of rules, among other things:
- Significantly reduced the quota for Chief Prosecutors and Deputy Chief Prosecutors in order to direct most of their work to the increased supervision of the work of prosecutors in the prosecutor's office. - The trial phase is weighted by prescribing a higher weighting of indictments compared to order not to conduct investigation and order to discontinue investigation. -The number of prescribed indictments has been reduced, which constitutes the annual quota for certain types of cases with the aim of improving the quality of indictments.
-The proposed new solutions give the possibility that exceptional commitment and work on the most complex cases will be adequately weighted, with a special focus on cases of economic crime, high-level corruption and organized crime.
- Stricter procedure for making decisions on additional weighting is prescribed, which additionally evaluates the prosecutor's work on the most complex types of cases.

Q288-5 (2024): The preparation of the new comprehensive Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is underway, with the aim of improving the organization and functioning of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the appointment of judges and prosecutors and disciplinary proceedings, the system of assessment of judges and prosecutors. The Ministry of Justice of Bosnia and Herzegovina coordinates the process of drafting the law.
In parallel, in 2023, the amendments to the existing Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina were adopted in order to ensure that urgent improvements of the Law are passed to reform judicial integrity matters, such as asset declaration for judges and prosecutors and disciplinary proceedings. Full implementation of adopted amendments is postponed until 28.2.2025., pending the establishment of the HJPC's department responsible for processing asset declarations.
Furthermore, the new planning document of HJPC BiH, titled as "Reform Programme 2024 – 2026" has been adopted in February 2024 and accompanied by the Implementation Plan adopted in December 2024. This document contains 13 measures based primarily on the EU's recommendations addressed to the HJPC BiH in its Country Report 2023.
In December 2024, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted new criteria for evaluating the work of judges and prosecutors. With the adoption of the new criteria, analytical evaluation was introduced into the evaluation system for judicial function holders. This involves a qualitative element of work evaluation ('Analytical evaluation of prosecutors' and 'Analytical quality of judges' work and decisions') which will enable a better assessment of the professional competencies of each judge and prosecutor. Thus, a reform of the evaluation system was initiated, which had previously been predominantly based on the assessment of results according to quantitative indicators. This reform was undertaken after the recommendations of experts engaged by the European Commission for the preparation of a 'Peer Review on the evaluation of the work of judges and prosecutors' from 2017 were accepted, suggesting that it is necessary to strengthen quality criteria in the evaluation system. The presidents of courts and chief prosecutors will evaluate the work of the holders of judicial functions according to new criteria at the beginning of 2026.

Q288-5 (2023): The preparation of the new comprehensive Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is underway, with the aim of improving the organization and functioning of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the appointment of judges and prosecutors and disciplinary proceedings, the system of assessment of judges and prosecutors. The Ministry of Justice of Bosnia and Herzegovina coordinates the process of drafting the law.
In parallel, in 2023, the amendments to the existing Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina were adopted in order to ensure that urgent improvements of the Law are passed to reform judicial integrity matters, such as asset declaration for judges and prosecutors and disciplinary proceedings.

Q288-5 (2022): Drafting procedure of the revised Law on the High Judicial and Prosecutorial Council is still ongoing, aiming improvements regarding organization and functioning of the HJPC, appointment of judges and prosecutors and disciplinary procedure, system of the appraisal of judges and prosecutors, and straightening of judicial integrity.
In parallel, in 2022, legislative initiative has been newly launched, but not finalized, in order to propose amendments on the existing Law on HJPC and achieve necessary short-term improvements (mainly issues of judicial integrity such as asset declaration for judges and prosecutors and disciplinary matters).

Q288-6 (2024): The preparation of the new comprehensive Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is underway, with the aim of improving the appointment of judges and prosecutors and disciplinary proceedings, the appraisal procedure for judges and prosecutors. In parallel, in 2023, the amendments to the existing Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina were adopted in order to ensure urgent improvements of the Law in terms of judicial integrity matters, such as asset declaration for judges and prosecutors and disciplinary matters. Full implementation of adopted amendments is postponed until 28.2.2025., pending the establishment of the HJPC's department responsible for processing asset declarations.
Furthermore, the HJPC BiH has prepared a proposal for amendments to the Law on Civil Procedure with regard to the appeal procedure. After the final proposal was approved by the Council, the HJPC BiH submitted it in the form of a legislative initiative to the relevant ministries of justice, as well as to all authorized proposers involved in the legislative process. The HJPC BiH continued organising professional discussions/roundtables based on this proposal.
In December 2024, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted new criteria for evaluating the work of judges and prosecutors. With the adoption of the new criteria, analytical evaluation was introduced into the evaluation system for judicial function holders. This involves a qualitative element of work evaluation ('Analytical evaluation of prosecutors' and 'Analytical quality of judges' work and decisions') which will enable a better assessment of the professional competencies of each judge and prosecutor. Thus, a reform of the evaluation system was initiated, which had previously been predominantly based on the assessment of results according to quantitative indicators. This reform was undertaken after the recommendations of experts engaged by the European Commission for the preparation of a 'Peer Review on the evaluation of the work of judges and prosecutors' from 2017 were accepted, suggesting that it is necessary to strengthen quality criteria in the evaluation system. The presidents of courts and chief prosecutors will evaluate the work of the holders of judicial functions according to new criteria at the beginning of 2026.
HJPC BiH continued implementing project activities on improving quality performance of the civil and criminal departments of the courts. In civil procedure, the HJPC BiH continued fostering dialogue meetings between the courts in Bosnia and Herzegovina regarding efficiency and quality standards that have been adopted earlier. Special focus is on procedural discipline and harmonization of the case law. The activities to introduce a mentoring system in courts, as a special form of initial on-the-job training, were carried out by the HJPC BiH in the previous period. The Rulebook on Mentoring for Newly Appointed Judges and Expert Associates Appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of BiH, No. 83/2022) was adopted in December 2022, and entered into force on 1.1. 2023 and is binding for courts in the Federation of BiH and the Brčko District of BiH. Since then, this reform process is being implemented. While in 2023 some minor adjustment have been bade in order to bypass obstacles in practice, in 2024 the mentoring program took root in all courts. Judge mentors started their formal training within the Judicial and Prosecutorial Training Center of Federation of BiH, which is supported by the HJPC. Judge mentors were assigned to all newly appointed judges/judicial associates upon their entry into the office.
On 30 April 2024, at its 33rd regular session, at the proposal of the Federal Ministry of Justice, the Government of the Federation of BiH determined the Proposal of the Law on Attorney's Profession of the Federation of BiH that was finally sent to the parliamentary procedure. On 12 December 2024, at the 15th regular session of the House of Representatives of the Parliament of the FBiH, the Law on the Attorney's Profession of the Federation of BiH was adopted. On 10 January 2025, the Law on the Attorney's Profession of the Federation of BiH was published in the Official Gazette of the Federation of BiH number: 1/25 and came into effect on the eighth day of its publication in the

Q288-6 (2023): The preparation of the new comprehensive Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is underway, with the aim of improving the appointment of judges and prosecutors and disciplinary proceedings, the appraisal procedure for judges and prosecutors. In parallel, in 2023, the amendments to the existing Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina were adopted in order to ensure urgent improvements of the Law in terms of judicial integrity matters, such as asset declaration for judges and prosecutors and disciplinary matters.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina plans to adopt new criteria for evaluating the work of judicial office holders that will increase the importance of the quality of decisions and other qualitative indicators in the assessment procedure.
Finally, legislation has been amended and relevant registries were adjusted to make the work of notaries on inheritance cases more efficient.
Q288-6 (2022): As explained under Q288-5, drafting of the revised Law on the High Judicial and Prosecutorial Council is undergoing. Apart from regulating functioning and organization of the HJPC, Law on HJPC regulates issues regarding appointment/promotion of judges and prosecutors, their discipline and related aspects.
All this issues (appointment, appraisal system, disciplinary procedure and straightening of judicial integrity) are subjected to comprehensive revision in order to improve current system. At the end of 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted certain changes to the criteria for assessing the work of judges and prosecutors, in accordance with the analysis of the process of assessing the work of judicial office holders in the previous year. Reforms of the criteria for assessing the work of judicial office holders will continue.
Q288-7 (2024): In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.
The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the representatives of pilot judicial institutions.
In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by their assessment and adoption.
As a result, the judicial institutions have commenced implementing their action plans in 2022, whilst the HJPC will regularly monitor
their realization.
The Strategy is available here: https://pravosudje.ba/vstvfo/E/141/article/95500
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Q288-8 (2024): In 2024 High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC BiH), after establishing criteria for the complexity of cases involving organized crime and corruption has developed a mechanism to monitor processing of these cases. Monitoring mechanism implies monitoring compliance with procedural discipline in cases and verifying the use of available mechanisms to ensure the presence of the accused and maintain the efficiency of the trial.
Q288-8 (2023): Debates are underway between the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Ministries of Justice at all levels of the government on the reform of the procedure for the enforcement of court decisions in civil cases, the appeal procedure in civil proceedings and the strategy for alternative dispute resolution.

Q288-9 (2024): High Judicial and Prosecutorial Council of Bosnia and Herzegovina in September 2022 adopted the draft Strategy for the Development of Alternative Dispute Resolution (ADR) in BiH. The general, specific and operational objectives of the Strategy are to improve the system of ADR including mediation, arbitration, court settlement and amicable resolution of consumer disputes. The Draft Strategy was submitted to Ministry of Justice of BiH for further procedure in October 2022. The Council has held several meetings with relevant actors in this field, including representatives of the judiciary, ministries, mediator association, as well as meetings with international organizations and experts. Despite these efforts, the Strategy for the development of ADR has not yet been adopted. It is imperative that the executive authorities at all levels in Bosnia and Herzegovina in the scope of their jurisdiction, especially the Ministries of Justice, take proactive steps in the further process. HJPC BiH remains committed to the reform process in this area, and will have its capacities and the reform initiatives in cooperation with international partners, primarily the European Union

Q288-9 (2023): Debates are underway between the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Ministries of Justice at all levels of the government on the reform of the procedure for the enforcement of court decisions in civil cases, the appeal procedure in civil proceedings and the strategy for alternative dispute resolution.

Q288-10 (2024): In the previous period, the HJPC implemented a number of activities within its competence in order to improve the processing of corruption cases, which represent one of the biggest challenges for the judiciary in Bosnia and Herzegovina. The Council's commitment to this issue is visible through the Reform Program and a number of other strategic activities. The Independent Report on the Current Practices of the HJPC BiH and the Set of Recommendations for Strengthening the Regulatory Role of the HJPC BiH in the efficient and quality processing of Organized Crime and Corruption have been adopted. In response, the Council has created an Action Plan for the implementation of these recommendations. The Action Plan is currently underway and being implemented.
Q288-10 (2023): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted an action plan with regulatory measures aimed to increase the prosecution offices' and courts' procedural efficiency in high level corruption and organized crime cases.
Q288-11 (2024): A new law on the prevention of violence in the family has been adopted in order to improve the prevention of domestic violence and the protection against domestic violence, including new legislative measures related to the handling of cases in the public prosecutor's offices and courts.

Q288-11 (2023): New legislation on protection from domestic violence is being prepared in order to improve the prevention of domestic violence and protection against domestic violence, including court proceedings.
Q288-12 (2024): The new version of the Case Management System (i.e. CMS version 3) was developed in 2022 and tested and finalized in 2023. Pilot implementation of the CMS version 3 was conducted in seven pilot judiciary institutions. The deployment of the CMS version 3 has been implemented in 2024. The CMS version 3 is a web application developed using the up-to-date technologies, respecting the standards and best practices of software development. It will contain all the functionalities that exists in current version that is in use, as well as some new functionalities. Security and functioning of the CMS has been significantly improved.
Q288-12 (2023): The new version of the Case Management System (i.e. CMS version 3) was developed in 2022 and tested and finalized in 2023. Pilot implementation of the CMS version 3 was conducted in seven pilot judiciary institutions. The deployment of the CMS version 3 is planned to take place in 2024. The CMS version 3 is a web application developed using the up-to-date technologies, respecting the standards and best practices of software development. It will contain all the functionalities that exists in current version that is in use, as well as some new functionalities. Security and functioning of the CMS will be significantly improved. In addition, the new version of the SOKOP-mal version 2 (i.e. The system that serves for electronically filing and processing utility claims at the first instance courts.) was implemented in all first instance courts in 2023. The SOKOP-mal version 2 improved communication between users and servers, as well as security of the application and data. Page layout was changed and improved, and integration of additional application into SOKOP-mal v2 was enabled.

Q288-12 (2022): Planned reforms:
- CMS/TCMS v3 - Development of the CMS/TCMS v3 is in its final phase. Implementation in the pilot institutions is planned for June 2023, and implementation in the rest of the judiciary institutions is planned to start in August 2023. - Software for planning and tracking of budgets in judiciary institutions – Technical specification for development of the Software is finished. Development of the Software is planned to be finished by the end of the 2023 and implementation in the judiciary institutions is planned for 2024.
- BIH Organized Crime And Corruption Case Map – It is planned that the Case Map will be developed and implemented by the August 2023. Implemented: - e-Sentence Portal – Since January 1, 2022 the e-sentence Portal is available to all employees in judiciary, and from February 1, 2022 it is available to professional community as well as to citizens. It contains judicial practice of 4 highest court in BiH – Court of Bosnia and Herzegovina, Supreme Court of Federation of Bosnia and Herzegovina, Supreme Court of Republica Srpska and Appellate Court of the Brčko District of Bosnia and Herzegovina. It contains selected court decisions and legal opinions. Approximately, 5000 legal opinions with accompanying court decisions have been published so far.
- System for the electronic submission and processing of utility cases (SOKOP – Mal v2) – Implemented in pilot courts and utility companies during March 2022. Implementation in the rest of the courts is planned for the second half of 2023.

Montenegro

Q288-1 (2024): Justice Reform Strategy - At the session on May 17, 2024, the Government of Montenegro adopted the Judicial Reform Strategy 2024-2027, with the Action Plan for the period 2024 - 2025 , prepared by the Ministry of Justice. The Strategy is based on three specific strategic objectives, namely: 1) Strengthening the independence, impartiality and accountability of the judiciary, 2) Improving the expertise and efficiency of the judiciary and 3) Improving access to justice, transparency and trust in the judiciary. The Action Plan for the implementation of this Strategy defines the activities through which each of the objectives is implemented, the institutions responsible for their implementation, performance indicators (indicators), deadlines, resources and their sources. The Parliament of Montenegro on June 19, 2024, adopted Law on Amendments to the Law on Judicial Council and Judges. The amendments to this law bring it into line with international standards, in accordance with the recommendations of the Venice Commission and the European Commission, and improve the provisions relating to the work of the Judicial Council, the system of ethical and disciplinary responsibility of judges, the election of judges, the referral and transfer of judges, and their evaluation.
The Parliament of Montenegro on June 6, 2024, adopted Law on Amendments Law to Law the on State Prosecution Service. These amendments improve the legal provisions relating to the selection of state prosecutors and heads of state prosecutors' offices, their assignment and deployment, evaluation and ethical and disciplinary responsibility, composition and work of the Prosecutorial Council, in accordance with international standards and recommendations of the Venice Commission and the European Commission.
The Parliament of Montenegro on June 6, 2024, adopted Law on Amendments Law to the Law on Special State Prosecution Service. The amendments to this law aim to overcome the problems that have arisen in the practical application of the existing law due to the broad jurisdiction of the Special State Prosecutor's Office, which results in a heavy burden on this body. Taking into account the actual human resources capacities of the SSPO and the complexity of the cases under their jurisdiction, the adopted amendment prescribes the jurisdiction of the SSPO over corruption crimes committed by high-ranking public officials. In this way, it ensures the relief of this prosecutor's office, as well as the Special Department of the High Court and the Special Police Department from dealing with cases of corruption crimes not committed by high-ranking public officials.

Q288-1 (2023): New Judiciary Reform Strategy - planned for 2023 but adopted in 2024
Q288-1 (2022): The reform of the judiciary has been implemented so far in accordance withe Judicial Reform Strategy 2019-2022 and related Action Plan for implementation. Since the strategy is experied, a new strategy is planned to be adopted in 2023 for period 2024-2027 along with the accompanying action plan for implementation

Q288-2 (2023): Budget increased due to increase of salaries and GDP
Q288-2 (2022): Courts and prosecution services were recognised as a separate budget entities in the overall state Budget for 2022. Thus, the relevant provisions of the Law on Courts and Law on Prosecution were implemented. That is also a part of the whole reform process, as a contribution to the independence and autonomous position of judiciary and state prosecution servicr.
Q288-3 (2024): The government is in session from 05/17/2024. adopted the Judicial Network Rationalization Plan, prepared by the Ministry of Justice. This document defines specific activities, performance indicators, deadlines and competent authorities for the implementation of the rationalization of the judicial network, and provides a fiscal assessment of the proposed court mergers.
Q288-3 (2023): Rationalization of the Court Network planned, but will be implemented in 2024
Q288-3 (2022): In 2023 the Plan for rationalization of judicial network is foreseen to be adopted. There is ongoing work on such document which will define measures, activities, result and impact indicators, deadlines and competent bodies as well as funding resources for implementation of the rationalization of the judicial network.

Q288-4 (2024): The Parliament of Montenegro on December 17, 2024, adopted Law on Amendments to the Law on Free Legal Aid. The amendments to the law will overcome the problems observed in the practical implementation of this regulation and enable to free legal aid for particularly vulnerable categories of persons (victims of torture, victims of crimes against sexual freedom and children who initiated proceedings for the protection of children's rights). This will contribute to the realization of the implementation of the European Committee against Torture, as well as the harmonization with international standards in the field of children's rights and the recommendations proposed by UNICEF, when it comes to access to justice for children. Furthermore, by prescribing provisions which introduce the obligation to possess special professional knowledge of lawyers who provide free legal assistance to these categories of users, the quality of the provision of legal assistance will be improved.

Q288-4 (2023): Amendments to the Law on Free Legal Aid for the purpose of improvement of o procedures and rights. particular attention to the access to free legal aid for vulnerable groups (victims of torture, sexual crimes, children etc.)
Q288-4 (2022): There is ongoing work on amendments to the Law on Free Legal Aid with the aim to provide right to free legal aid to vulnerable groups such as victims of torture, victims of sexual criminal offences, children seeking protection of the right of the child etc.
Q288-5 (2024): The Parliament of Montenegro on June 19, 2024, adopted Law on Amendments to the Law on Judicial Council and Judges. The amendments to this law bring it into line with international standards, in accordance with the recommendations of the Venice Commission and the European Commission, and improve the provisions relating to the work of the Judicial Council, the system of ethical and disciplinary responsibility of judges, the election of judges, the referral and transfer of judges, and their evaluation.
The Parliament of Montenegro on June 6, 2024, adopted Law on Amendments Law to Law the on State Prosecution Service. These amendments improve the legal provisions relating to the selection of state prosecutors and heads of state prosecutors' offices, their assignment and deployment, evaluation and ethical and disciplinary responsibility, composition and work of the Prosecutorial Council, in accordance with international standards and recommendations of the Venice Commission and the European Commission.
Amendments to the Constitution - The Reform Agenda of Montenegro 2024-2027 for the EU Instrument for Reforms and Growth, which the Government of Montenegro adopted at its session on 26 September 2024, plans to amend the Constitution of Montenegro in order to align the Constitution, with the EU acquis and European standards on judicial independence, accountability, impartiality, integrity, efficiency, and professionalism of the judicial system, addressing the remaining recommendations from the European Commission, the Venice Commission, and the Council of Europe Group of States against Corruption (GRECO), including the composition of the Judicial Council.

Q288-5 (2023): Amendments to the Law on Judicial Council and Judges Implementation of the Venice Commission recommendations, procedures for ethical and disciplinary responsibility, election of the president of the Supreme Court etc.
Amendments to the Law on Prosecution.
Q288-5 (2022): Both law on Judicial Council and Law on Prosecution are planned to be amended with purpose of improving work of Judicial and Prosecutorial councils and selection of heir members.

Q288-6 (2024): The Parliament of Montenegro on June 19, 2024, adopted Law on Amendments to the Law on Judicial Council and Judges. The amendments to this law bring it into line with international standards, in accordance with the recommendations of the Venice Commission and the European Commission, and improve the provisions relating to the work of the Judicial Council, the system of ethical and disciplinary responsibility of judges, the election of judges, the referral and transfer of judges, and their evaluation.
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Q288-6 (2022): Amendments to the Law on Judicial Council and Judges are planned to improve the provisions related to ethical and disciplinary responsibility of judges, selection of judges an court presidents, relocation and secondment of judges as well as evaluation of judges. In 2023 the amendments to the Law on Prosecution are planned with the same goal.
Q288-8 (2024): Adopted - Ratification of the Convention on the Recognition and Enforcement of Foreign Judgements in Civil and Commercial Matters; Law on Lobbying, amendments to the Law on Criminal Proceedings, Law on Prevention of Corruption; Draft Law on Amendments to the Law on the Confiscation of Property Benefits Acquired through Criminal Activity; Draft Draft law on amendments to the Law on Alternative Dispute Resolution; Planned - Amendments to the law on Misdemeanors, Amendments to the Law on Judicial Cooperation in Criminal Matters with EU Member States (alignment with the EU Acquis); Ratification of the International Protection of Adults; Amendments to the Law on Civil Procedure (alignment with the EU Acquis), Amendments to the Law on Criminal proceedings (alignment with the EU Acquis) Amendments to the law on Misdemeanors; Amendments to the Law on Confiscation of property derived from criminal acitivity.
Q288-8 (2023): Amendments to the Law on Civil Procedure (alignment with the EU Acquis), Amendments to the Law on Criminal proceedings (alignment with the EU Acquis) Amendments to the law on Misdemeanors, Amendments to the Law on Judicial Cooperation in Criminal Matters with EU Member States (alignment with the EU Acquis), Amendments to the Law on Confiscation of property derived from criminal acitivity. Ratification of the Convention on the Recognition and Enforcement of Foreign Judgements in Civil and Commercial Matters
Ratification of the International Protection of Adults etc.
Q288-8 (2022): Amendments to the Law on Civil Procedure in 2023 (alignment with the EU Acquis) Amendments to the Law on Criminal proceedings in 2023 (alignment with the EU Acquis) Amendments to the law on Misdemeanors in 2023 Amendments to the Law on Judicial Cooperation in Criminal Matter with EU Member States (alignment with the EU Acquis) Ratification of the Convention on the Recognition and Enforcement of Foreign Judgements in Civil and Commercial Matter 2019
Ratification of the International Protection of Adults 2000
Q288-9 (2023): 2023-2025 Program of Alternative Dispute Resolution adopted
Q288-9 (2022): it is planned that new Program of alternative dispute resolution 2023-2025 and accompanying action plan to be adopted in 2023
Q288-10 (2024): Amendments to the Law on Prevention of Corruption planned with the aim to foster competencies of Agency for Prevention of Corruption and improve regulations on the integrity and asset declaration by the public officials.
Q288-10 (2023): National Strategy on Fight against Corruption 2024-2028 also planned but will be adopted in 2024
Amendments of law related to criminal justice and judiciary.
Q288-10 (2022): National Strategy on Fight against Corruption 2024-2028 also planned to be adopted in 2023

Q288-11 (2024): Planned amendments to the Law on Protection from Domestic Violence (further alignment with Istanbul convention)
Q288-11 (2023): Law on Amendments to the Law on protection against domestic violence
Q288-11 (2022): Amendments to the Law on protection against domestic violence (family violence) are planned in 2023
Q288-12 (2024): New Judicial ICT Strategy and Action Plan adopted
Q288-12 (2023): New Judicial ICT Strategy
Q288-12 (2022): in 2023 planned adoption of Strategy for development of ICT in judiciary 2024-2027 with Action plan 2024-2025

North Macedonia
Q288-1 (2024): The Action Plan for the Strategy for development of Judiciary 2024-2028 envisages the implementation of 234 activities to complete 102 measures. In 2024, it was planned to implement 152 activities, of which 56 were to be entirely completed during the year. Of the total planned 152 activities, 24 have been fully implemented, 69 are in progress, and 57 have not been implemented. The implementation rate of the Strategy as a ratio between the activities to be completed during 2024 and the implemented activities is 42.9%. A significant difference is noted in the implementation rate, as observed by the priority area. The most significant progress is indicated in the first and second priority areas where the implementation rate exceeds 60%.
Planned: Strategy for ICT in Judiciary
Adopted:
1. Law on Asset Recovery Office
2. Law on Management of Confiscated Property, Proceeds and Seized Objects in Criminal and Misdemeanor Proceedings
Q288-1 (2023): Finihed implementation of the Strategy for the reform of judicial sector 2017-2022, Strategy for ICT in Juduciary 2019-2024
Adopted: Strategy for development of Judiciary 2024-2028
Planned: Strategy fot ICT in Judiciary 2025-2029
Q288-1 (2022): Strategy for the reform of judiciary sector 2017-2022 with Action Plan - final year of implementation.
Working group for preparing of Strategy for the reform of judiciary 2023-2027 was established in 2022. First draft of Development Strategy for Judiciary 2023-2027 is prepared. The new Strategy is planned to be adopt in 2023.
Strategy for the reform of criminal law - planned
In 2022 implementation of the following Strategies continued: Strategy for HR resources in judiciary network 2020-2024 and Strategy for HR resources in public prosecutorial network 2020-2024
National Strategy for development of the penitentiary system 2021-2025
Strategy for development of the probation system 2021-2025
ICT Strategy for judiciary 2019-2024
Other National Strategies in correlation with Judiciary sector:
National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025
National Strategy for Combating Money Laundering and Financing of Terrorism (2021-2024)
Strategy for Financial Investigations and Confiscation of Assets for the period 2021-2023

Q288-2 (2024): Planned: Amendments on the Law on Court Budget for the purpose of strengthening the legal guarantees for and independent activity regime (management) of the judicial budget, established in accordance with the gross domestic product (GDP) established by law (0.8%), including the flow of centralized procurement

Q288-2 (2023): Increased salaries for judges and public prosecutors upon decision of Constitutional Court.
Planned: Amandements on the Law on Court Budget
Q288-2 (2022): Amendments to Law on Court Budget was planned. The draft - Development Strategy for Judiciary 2023-2027 also envisages new structure of court budget, as well as complete independence of court budget

Q288-3 (2024): Planned: Amendments on the Law on Courts and Amendments on the Law on Public Prosecution Office for reorganization and optimization of the judicial and public prosecutor's network, Amendments on the Law on Court service and Amendments on the Law on Public Prosecution service
Q288-3 (2023): Planned: redefinition of court and public prosecution network, improvement of ICT systems in courts and public prosecution offices and renovation of 12 public prosecution offices
Q288-3 (2022): Implementation of the Law on public prosecution office and amendments on the Law on Council of public prosecutors adopted in 2020 continued, as well as implementation on the Law on courts and new Law on Judicial Council. Few by-laws which were adopted earlier were implemented during 2022. New Draft Strategy for judiciary envisages different organization of court network and PPO network. Strategy for HR resources in judiciary network 2020-2024 and Strategy for HR resources in public prosecutorial network 2020-2024 must be implemented faster. New draft Law on court service according to Strategy for judiciary 2017-2022 is still in process of preparing. Process of digitalization in courts, PPO, judiciary institutions continues. Reconstruction of building of Administrative Court was finished in 2022.
Q288-4 (2024): Adopted: Amendments of the Law on free legal aid (2024)
Q288-4 (2023): Planned: Amandements of the Law on free legal aid
Implemented: Implementation of project of Council of Europe
Q288-4 (2022): Implementation of new Law on Free Legal Aid adopted in 2019 gives the positive results in 2022. The strengthening of the system of free legal aid is still needed. Draft new Strategy envisages new amendments on the Law on free legal aid - in criminal cases.
Q288-5 (2024): Planned: Adoption of amendments on the Law on Court Council of the Republic of North Macedonia and set of activities defined in the Strategy and Adoption of amendments on the Law on Prosecutorial Council of the Republic of North Macedonia
Q288-5 (2023): Planned: Adoption of amandements on the Law on Court council of the Republic of North Macedonia and set of activities deined in the Strategy.
Q288-5 (2022): Judicial Council adopted Program and Action Plan for prevention and monitoring of the corruption in the judiciary 2022- 2025
Implementation of the Law on public prosecution office and amendments on the Law on Council of public prosecutors adopted in 2020 continued, as well as implementation on the Law on courts and new Law on Judicial Council. Few by-laws which were adopted earlier were implemented also during 2022.
Q288-6 (2024): Planned:
Amendments on the Law on Courts and Amendments on the Law on Public Prosecution Office
Q288-6 (2023): Planned: Amandements on the Law on Courts, Law on Public Prosecution Office, improvement of ICT system of notaries and enforcement agents and amandements of the Law on enforcement agents.
Adopted: Adopted amandements on the Law on Bar, amandements on the Law on Academy for Judges and Public Prosecutors and amandements on the Law on enforcemet regarding the limitation of interest.

Q288-6 (2022): New Law on the Academy for Judges and Public Prosecutors and Amendments of the Law on attorneys are still in parliamentary procedure.
Q288-7 (2024): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia.
National strategy for equality and non-discrimination 2022-2026 - adopted
Action Plan for implementation of Istanbul Convention 2018-2023 - Implemented
Implemented Amendments on the Criminal Code for Istanbul Convention
Q288-7 (2023): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia.
National strategy for equality and non-discrimination 2022-2026 - adopted
Action Plan for implementation of Istanbul Convention 2018-2023 - adopted
In 2023 adopted Amandements on the Criminal Code for implementation of Istanbul Convention
Q288-7 (2022): Amendments of the Criminal code related to the implementation of Istanbul convention are adopted by the Parliament.
The new Strategy for Gender Equality 2022-2027 as a new key document was adopted in 2022.
Q288-8 (2024): Planned: New Civil Code, New Criminal Code and amendments of the Law on Criminal Procedure.
Adopted: Law on management of confiscated property, property benefits and confiscated objects in criminal and minority proceedings and Law on Asset Recovery Office
Planned International conventions and cooperation activities:
1.Ratification of Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes and
2. Initiative for Agreement between North Macedonia and United States of America on extradition;
3. Ratification of Second Additional Protocol to the Cybercrime Convention on enhanced co-operation and disclosure of electronic evidence

Q288-8 (2023): Planned: New Civil Code, New Criminal Code and amandements of the Law on Criminal Procedure.
Adopted: The Law on expert witnesses
Implemented: New Law on expert witnesses
international conventions and cooperation activities: Planned: 1.Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes and 2. Initiative for Agreement between North Macedonia and United States of America on extradition; ADOPTED: In 2023 signed Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (HCCH 2019 Judgments Convention).
Q288-8 (2022): New Law on civil procedure is in parliamentary procedure. According to the Strategy for the reforms in the judiciary sector 2017-2022 and new draft Strategy 2023-2027, new Law on obligations, Law on property and Law on inheritance will be prepared as part of the new Civil Code. New Criminal code and Law on criminal procedure are in the final stage of preparation. New Law on law on payment of monetary compensation to victims of crimes is adopted by the Parliament. New Strategy on strengthening of the capacities for conducting financial investigations and confiscation of property 2021-2023 was adopted by the Government. Law on Asset recovery Agency is in preparation in Ministry of justice. New Law on management of confiscated property was prepared in Ministry of justice and the draft law was sent to intergovernmental procedure.

Q288-9 (2024): Planned: Ratification of the Singapore Mediation Convention
Q288-9 (2023): Planned: Ratification of Singapore Convention on Mediation and amandements on the Law on mediation

Q288-9 (2022): Implementation of the new Law on mediation adopted in 2021.
Q288-10 (2024): Adopted:
1. In September 2024, the Supreme Court adopted amendments to the Rules of Procedure of the Supreme Court of the Republic of North Macedonia, which allowed for public access to general sessions and the presence of the media, emphasizing the importance of legal issues and the interest of the public
2. The Supreme Court adopted a principled position on media accreditation in civil cases of public interest, in accordance with Article 6 and Article 10 of the European Convention for the Protection of Human Rights
Planned:
1.Law on Prevention on Corruption and Conflict of Interest/Amendments 2. Law on Whistleblowers/Amendments
Q288-10 (2023): National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025
prepared and adopted by the State Commission for Prevention of Corruption (SCPC), December 2020
adopted by the Parliament, April 2021.
Q288-10 (2022): National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025
National Strategy for Combating Money Laundering and Financing of Terrorism 2021-2024
Strategy for Financial Investigations and Confiscation of Assets for the period 2021-2023

Q288-11 (2024): Implementation of the provisions of Istanbul Convention.
Q288-11 (2023): Adopted: Amandements on the Criminal Code related to implementation of Istanbul Convention.
Implementation of the provisions of Istanbul Convention.
Q288-11 (2022): Action plan for implementation of Istanbul Convention - adopted by the Government and implemented in continuation.
Amendments to Criminal Code for implementation of Istanbul Convention - adopted by the Parliament (February 2023)
Law on victims compensation - Adopted by the Parliament (2022)
Law on Prevention and Protection from Violence against Women and Domestic Violence - adopted new by-laws by the Minister of justice for collecting data for domestic violence within courts and PPO (2022).
Q288-12 (2024): Planned: New Strategy for ICT in Judiciary
Implemented: Strategy for ICT in Judiciary 2019-2024
Q288-12 (2022): Implementation of the Strategy for ICT in judiciary sector is ongoing. ICT Council in the judiciary was established as a competent body for implementation of Strategy and process of digitalization. Government Plan for digitalization of the judiciary was adopted and implemented in continuation.

Serbia

Q288-1 (2024): After the 2020's elections and formation of the new Government, and after preparatory work was done, at the session of the National Assembly, held on June 7th, 2021, the Proposal for changes of the Constitution was adopted. After accepting the Proposal for Amendments of the Constitution, the Committee on Constitutional Affairs and Legislation of the National Assembly proceeded to determine the Draft Act on Amendments to the Constitution and the Draft Constitutional Law for its implementation. On June 23rd, 2021, the Committee on Constitutional Affairs and Legislation of the National Assembly formed a Working group to prepare a draft Act amending the Constitution as well as to prepare the text of the draft Constitutional Law for the Implementation of the Constitution. Representatives of the National Assembly, the Ministry of Justice, professors of law faculties, scientific institutes and professional associations of judges and public prosecutors participated in the work of the Working Group. The working group used the text of the Constitutional Amendments prepared by the Ministry of Justice and issued by the European Commission for Democracy through Law as a starting point for drafting the Act amending the Constitution. The working group drafted the Act amending the Constitution and the Draft Constitutional Law for its implementation, which was accepted by the Committee on Constitutional Affairs and Legislation of the National Assembly at its session held on September 6th, 2021.

After initially drafted the Act amending the Constitution and the Draft Constitutional Law for its implementation, the Committee on Constitutional Affairs and Legislation of the National Assembly organized several public hearings with relevant entities in order to determine the final text. Several public hearings were held on these drafts. The public hearing in Niš was held on September 13th, 2021, in Kragujevac on September 14th, 2021, in Novi Sad on September 16th, 2021 and in Belgrade on September 17th, 2021.

As the Draft Act amending the Constitution differs from the text of the Act amending the Constitution for which the Memorandum of Compliance of the Venice Commission was issued, the text of the Draft Act amending the Constitution together with the Draft Constitutional Law was resubmitted on September 24th, 2021 to the Venice Commission. At its 12th plenary session, the Venice Commission adopted a positive opinion on the Draft Act amending the Constitution and the Draft Constitutional Law for its implementation, which set out certain recommendations for improving the text of the Draft Act amending the Constitution. Consequently, the improved version of the Draft Act amending the Constitution, which implemented the recommendations of the Venice Commission from the final opinion adopted at the 128th plenary session, was submitted to the Venice Commission for an urgent opinion on October 26th, 2021. Upon receive of the opinion, the Committee on Constitutional Affairs and Legislation of the National Assembly submitted the Act amending the Constitution for consideration and decision to the National Assembly. The proposed amendments to the Constitution have been confirmed at the referendum on January 16th, 2022. At the Tenth Special Session, held on February 9th, 2022, the National Assembly of the Republic of Serbia passed the Act amending the Constitution of the Republic of Serbia and the Constitutional Law implementing the Act amending the Constitution of Serbia, which is in line with the opinion of the Venice Commission.

SET OF JUDICIAL LAWS

In accordance with the provisions of the Constitutional Law implementing the Act amending the Constitution of Serbia the in order to align the secondary legislation with the adopted Constitutional amendments, on April 15, 2022, the Minister of Justice established the working groups for drafting the set of judicial laws. During the work on the set of judicial laws, the Ministry of Justice continuously communicated with the Venice Commission (online meeting with the Venice Commission was organized on July 25th 2022).

Q288-1 (2023): After the 2020's elections and formation of the new Government, and after preparatory work was done, at the session of the National Assembly, held on June 7th, 2021, the Proposal for changes of the Constitution was adopted.
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The laws were sent to the Venice Commission for opinion on September 12th, 2022, in order for the Venice Commission to prepare and adopt an opinion on the set of judicial laws

Q288-1 (2022): Set of Judicial laws aligned with Constitutional Amendments (2022) : the adoption is planed for beginning of 2023 - Law on Judges, Law on Public Prosecutor's Offices, Law on High Judicial Council, Law on High Prosecutorial Council and Law on the Organization on Courts

Q288-2 (2024): It is important to point out that both councils now, according to the new judicial laws, independently prepare and execute their budgets without the control of the Ministry of Justice.
THE LAW ON THE HIGH COUNCIL OF THE PROSECUTION ("Official Gazette of RS", No. 10/2023)
Funds for the work of the Council
Article 3
Funds for the work and functioning of the Council (hereinafter: the budget of the Council) are provided in the budget of the Republic of Serbia, at the proposal of the Council.
The Council independently disposes of funds from the budget that are designated for the work of the Council.
The Government cannot suspend, postpone or limit the implementation of the Council's budget, i.e. the funds from the budget allocated for the work of the public prosecution, without the consent of the Council.
The procedure for determining the Council's budget proposal is regulated by this law.
Preparation of the Council's budget proposal
Article 4
The Secretary of the Council prepares the Council's budget proposal in accordance with the law regulating the budget system and submits it to the Council's working body responsible for financial matters (hereinafter: Budget Commission).
The Budget Committee determines the proposal of the Council's budget and sends it to the President of the Council for submission to the Ministry responsible for finance.
The minister responsible for financial affairs shall submit a reasoned opinion to the Council on the proposal referred to in paragraph 2 of this article.
If the minister responsible for financial affairs has objections to the submitted budget proposal of the Council, he will organize consultations with the President of the Council and the Budget Commission in order to reach agreement.
If the minister responsible for financial affairs has no objections to the Council's budget proposal or if the agreement referred to in paragraph 4 of this article is reached, the Council determines the final budget proposal of the Council, which the ministry responsible for financial affairs includes without changes in the draft law on the budget of the Republic of Serbia, and the Government without amendment to the bill on the budget of the Republic of Serbia.
If the agreement referred to in paragraph 4 of this article is not reached, the ministry responsible for financial affairs will include the final budget proposal of the Council from paragraph 5 of this article without changes in the draft law on the budget of the Republic of Serbia, and the Government will include it without changes in the draft law on the budget of the Republic of Serbia , if the Council's budget proposal is within the defined scope of expenditures and expenditures.
If the agreement referred to in paragraph 4 of this article is not reached, the ministry responsible for financial affairs shall state in the explanation the reasons why it considers the Council's budget proposal unacceptable.
The provisions of para. 1-7. of this article are also applied to the procedure of proposing budget funds from the competence of the Council prescribed by the law regulating the

Q288-2 (2023): It is important to point out that both councils now, according to the new judicial laws, independently prepare and execute their budgets without the control of the Ministry of Justice.

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Q288-3 (2023): Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Office is to be amended in 2024.

Q288-3 (2022): Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Office is to be amended in 2024.

Q288-5 (2024): After the 2020's elections and formation of the new Government, and after preparatory work was done, at the session of the National Assembly, held on June 7th, 2021, the Proposal for changes of the Constitution was adopted. After accepting the Proposal for Amendments of the Constitution, the Committee on Constitutional Affairs and Legislation of the National Assembly proceeded to determine the Draft Act on Amendments to the Constitution and the Draft Constitutional Law for its implementation. On June 23rd, 2021, the Committee on Constitutional Affairs and Legislation of the National Assembly formed a Working group to prepare a draft Act amending the Constitution as well as to prepare the text of the draft Constitutional Law for the Implementation of the Constitution. Representatives of the National Assembly, the Ministry of Justice, professors of law faculties, scientific institutes and professional associations of judges and public prosecutors participated in the work of the Working Group. The working group used the text of the Constitutional Amendments prepared by the Ministry of Justice and issued by the European
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Q288-6 (2024): ACTS OF THE HIGH JUDICIAL COUNCIL
1.1 Decision on the remuneration and awards of lay judges: 58/2024-110
1.2 Decision on the number of lay judges in courts: 58/2024-109
1.3 Rules on the evaluation of the work of judges and court presidents: 34/2024-124
1.4 Rules on the procedure for complaints: 34/2024-122
1.5 Rules on the procedure for determining the disciplinary responsibility of judges and court presidents: 24/2024-44
ACTS OF THE HIGH PROSECUTOR'S COUNCIL:
1.2 Rules of Procedure of the Commission for Deciding on an Objection Against a Mandatory Instruction for Work and Proceedings in a Single Case, an Objection Against a Decision on Substitution and an Objection Against a Decision on Devolution: 1/2024-9
1.3 Decision on the Number of Public Prosecutors in Public Prosecutor's Offices: 97/2023-92, 106/2024-83
1.4 Rules of Procedure on the Method of Keeping and Form of the Personal Information Sheet of the Holder of the Public Prosecutor's Office and Staff Employed in the Public Prosecutor's Office: 50/2024-35
1.5 Rules of Procedure on Deciding on an Objection Against a Decision on the Annual Work Schedule in the Public Prosecutor's Office or a Decision on Amending the Decision on the Annual Work Schedule in the Public Prosecutor's Office: 37/2024-35
1.6 Regulations on taking the exam to test the expertise and competence of candidates who are elected or proposed for election to the public prosecutor's office for the first time: 37/2024-33
1.7 Regulations on criteria and measures for assessing the expertise, competence and worthiness of candidates and the procedure for electing the Chief Public Prosecutor and Public Prosecutor and proposing candidates for election to the Supreme Public Prosecutor: 37/2024-27
1.8 Regulations on criteria and indicators for evaluating the work of the Chief Public Prosecutor and Public Prosecutor: 33/2024-135, 45/2024-13
1.9 Code of Ethics for Public Prosecutors: 33/2024-150
Regulations adopted on the basis of the previously valid Public Prosecutor's Act Prosecutor's Office ("Official Gazette of the Republic of Serbia", No. 116/08, 104/09, 101/10, 78/11 - other law, 101/11, 38/12 - decision of the Constitutional Court and 121/12, 101/13, 111/14 - Constitutional Court, 117/14, 106/15 and 63/16 - Constitutional Court), which shall apply until the adoption of the by-laws prescribed by the Law on the Public Prosecutor's Office ("Official Gazette of the Republic of Serbia", No. 10/2023), if they are not in conflict with this Law:
Q288-6 (2023): Law on the Judicial Academy is to be amended during 2024
Q288-6 (2022): Law on the Judicial Academy is to be amended during 2024
Q288-7 (2024): Based on Article 28, paragraph 3 of the Law on Gender Equality ("Official Gazette of the Republic of Srpska", No. 52/21) and Article 17, paragraph 4 and Article 24 of the Law on Government ("Official Gazette of the Republic of Srpska", No. 55/05, 71/05 - correction, 101/07, 65/08, 16/11, 68/12 - Constitutional Court, 72/12, 7/14 - Constitutional Court, 44/14 and 30/18 - other law), The Minister of Human and Minority Rights and Social Dialogue hereby issues RULES on the methodology for calculating unpaid domestic work "Official Gazette of the Republic of Srpska", No. 18 of 8 March 2024
Q288-7 (2023): https://pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2021/103/1
Q288-8 (2024): Process of amending of the Civil Procedure Code, Criminal Procedure Code and Criminal Code is ongoing
Q288-8 (2023): Process of amending of the Civil Procedure Code, Criminal Procedure Code and Criminal Code is ongoing
Q288-8 (2022): Process of amending of the Civil Procedure Code, Criminal Procedure Code and Criminal Code is ongoing.

Q288-10 (2024): Ministry of Justice is currently preparing new National Anti-Corruption Strategy (2023-2028) with accompanying Action plan
Q288-10 (2023): Ministry of Justice is currently preparing new National Anti-Corruption Strategy (2023-2028) with accompanying Action plan
Q288-10 (2022): Ministry of Justice is currently preparing new National Anti-Corruption Strategy (2023-2028) with accompanying Action plan
Q288-11 (2024): https://www.paragraf.rs/propisi/zakon_o_sprecavanju_nasilja_u_porodici.html
Q288-11 (2023): https://www-paragraf-rs.translate.goog/propisi/zakon_o_sprecavanju_nasilja_u_porodici.html?_x_tr_sl=sr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc
Q288-12 (2024): The implementation of the new centralized CMS in courts in Republic of Serbia is underway, it is planned to be completed by the end of 2024. Funds for the project were provided from IPA 2017 and the tender was conducted by the Delegation of the European Union in Serbia.
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Kosovo*
Q288-1 (2024): Kosovo Prosecutorial Council: Regarding prosecutorial system, there are several reform initiatives going on such as: Law on KPC, concept document on vetting and other initiatives as part of the Joint Declaration for the reform in the justice sector that the institutions have jointly signed. Also, a new Law on State Prosecutor and Law on Special prosecution have been adopted and entered into force. In addition, the adoption of law on salaries and law on public officials affect the prosecutorial system a lot.
Kosovo Judicial Council: The Council has led the development of several draft laws and significant reforms, including the drafting of laws for the Justice Reform, which are linked to the Joint Declaration of Commitment and the law on the Civil Procedure Code. The Council has been engaged in initiatives for the development of the new law on the Administrative Court and other measures that contribute to the improvement of the judicial system.
Ministry of Justice: The Joint Commitment Statement was a major step in bringing justice institutions together to reform Kosovo's justice system. As a result, six key laws were drafted to improve important institutions like the Kosovo Judicial Council, Kosovo Prosecutorial Council, and the Academy of Justice. The Ministry of Justice, in close cooperation with these institutions, led the drafting of these laws to enhance integrity, transparency and accountability. These laws include comprehensive reforms of the main justice system. To ensure alignment with European standards, they were sent to the Venice Commission by the Ministry of Justice. So far, we have received three opinions.

Q288-1 (2023): NA
Q288-1 (2022): Regarding prosecutorial system, there are several reform initiatives going on such as: Law on KPC (which was adopted by the Parliament but is currently in the Constitutional court); Law on State Prosecutor and Law on SPRK. In addition, the adoption of law on salaries and law on public officials affect the prosecutorial system a lot. Moreover, regarding the Judicial Council, Prosecutorial Council, presidents of courts and chief prosecutors a vetting process is in the process of legal drafting.

Q288-3 (2024): KPC: During 2024 KPC has adopted several regulations such as: the regulation on Activity, internal organization and systematization of the administration of KPC, Regulation for the internal organization and functioning of State Prosecutor, .Regulation On the Asset Recovery Office; Regulation on the Mandate, Structure, Functioning and Organization of the Office for the Recovery of Assets; Regulation -On the Procedure for Recruitment, Admission, Appointment and Probationary Work for Employees in the Administration of the Prosecutorial System; Regulation On Personnel Planning; Regulation- On the Disciplinary Procedure of Administrative Staff in the Kosovo Prosecutorial System; Regulation On the Classification of Job Positions in the Administration of the Prosecutorial System; Regulation On the Appointment of the Chief State Prosecutor and Chief Prosecutors of Prosecution Offices; The Regulation on Transfer and Promotion of Civil Servants, as well as the Regulation on the Evaluation of the Work Results of Administrative Staff.

KJC: The Council has also established the Commission for monitoring, evaluating, and reporting on the Strategic Plan for Improving Access to Justice 2022–2025, as well as the Strategic Plan for the Efficiency of Handling Cases of Corruption, Abuse of Official Duty, and Organized Crime 2025–2027 for the year 2024. During the reporting year, after monitoring and overseeing these strategies, the Commission has prepared reports with recommendations regarding:

Old cases in the Civil Division of the Court of Appeals of Kosovo;

Cases remanded for retrial by the Supreme Court of Kosovo and the Court of Appeals of Kosovo;

Terrorism cases in the Special Department of the Basic Court of Pristina.

As part of its mandate, the Commission has analyzed the status of old cases, specifically those older than 24 months, in all courts. The analysis revealed a decrease of -4.2% in the number of old cases during 2024. Additionally, in the General Department – Civil Division, the Serious Crimes Department, and the Administrative Matters Department, despite an increase in the number of cases received over the past three years, these departments have seen a reduction in the overall number of cases.

The Commission has also continuously analyzed court reports on corruption and organized crime cases, issuing assessments and recommendations to improve the handling of such cases, and has monitored the treatment of domestic violence cases.

The Kosovo Judicial Council has implemented the obligations set forth by the Stabilization and Association Agreement and has continued to monitor and report on the implementation of the European Commission’s recommendations included in the 2024 Kosovo Report. Additionally, the KJC has coordinated activities for financial support from the Instrument for Pre-Accession Assistance (IPA), reported on the fulfillment of obligations undertaken under the Growth Plan and the National Program for European Integration (NPEI), and participated in TAIEX Peer Review Missions in six Western Balkan states.

The Council has also launched another important initiative to improve data quality by establishing a working group for monitoring and controlling data quality and harmonizing case management across courts.

Judicial System Modernization

Kosovo’s judicial system has taken significant steps toward modernization and increased efficiency through the digitalization of services, facilitating access to justice, improving transparency, and enhancing the efficiency of judicial processes, including:

Q288-3 (2023): NA

Q288-3 (2022): KPC through its Normative acts committee has drafted the Regulations on Functioning of KPC and State Prosecutor which will have an impact on structure and management. These 3 regulations have not yet been approved by KPC.

Q288-4 (2024): - With the entry into force of Law No. 08/L-063 - on Amending and Supplementing the Laws Relating to the Rationalization and Establishment of Accountability Lines of Independent Agencies, the opportunity has been created to assess the needs for amending the legislation, by-laws and other documents of the Agency for Free Legal Aid. During 2024, the following documents and by-laws were successfully completed:

• Concept Document for Free Legal Aid

• A working group was appointed by the MoJ by decision to draft the Draft Law on Free Legal Aid

• Regulation on Internal Organization and Systematization of Work Places in the Agency for Free Legal Aid

By-laws in force and drafted during 2023:

• Regulation on the procedure for complaints for free legal aid

• Regulation on determining the criteria for the provision of free legal aid by non-governmental organizations in partnership with the Agency for Free Legal Aid

• Administrative Guidelines on the form and content of the form for submitting a request for free legal aid

Also, during 2023, the Drafting of the Administrative Guidelines on fees and compensation for services performed by lawyers regarding authorized free legal aid services and the Drafting of the Administrative Guidelines on procedures for engaging lawyers in authorized free legal aid services which have been incorporated into a single act. The final draft of this Administrative Guidelines on fees and compensation for services performed by lawyers in connection with authorized free legal aid services was submitted to the MoJ on 27.09.2023, but even though more than a year has passed since its submission, it has not been approved within this time period

Q288-5 (2024): KPC: Initiatives to change the Law on KPC as mentioned above

KJC: The activities mentioned in the previous question, specifically those related to the development and digitalization of certain systems for the provision of relevant services, represent innovations that constitute an important step towards a more accessible, transparent, and efficient judicial system for the citizens of Kosovo.

Q288-5 (2023): NA

Q288-5 (2022): Law on KPC and Regulation as mentioned above.

Also vetting process as mentioned above.

Q288-6 (2024): KJC: During the reporting period, the Judicial Council approved, for the first time, the Training Plan for employees of the judicial system administration for the year 2025, which aligns with the current training needs of the judicial system administration. The plan includes both initial and mandatory continuous training programs. The Council has approved:

Training modules for newly hired employees;

Protocol No. 1 for mandatory training of judges who receive performance evaluations rated as “good,” “satisfactory,” and “unsatisfactory”;

Protocol No. 2 for mandatory specific training for court presidents and supervising judges with performance evaluations rated as “satisfactory.”

The Council has transferred 15 judges and 18 legal associates.

The Council has promoted 22 judges.

The KJC has recruited 47 judges and 64 legal associates.

The Council has completed the performance evaluation of 116 judges.

Additionally, during the reporting period Ministry of Justice launched the digital platform in e-Kosova for online application for the bar exam.

Q288-7 (2024): KJC: Implementation of the applicable legislation, which establishes a 50% gender representation quota for employees in judicial bodies, as well as the prohibition of discrimination and the guarantee of gender equality in recruitment. In fact, this quota has been exceeded, as the Judicial System of Kosovo currently employs a total of 2,105 staff members, of whom:
Female employees: 1,064 (50.5%)
Male employees: 1,041 (49.5%)
Q288-8 (2024): In the context of resolving cases of this nature and cases in general, the Commission for Monitoring, Evaluating, and Reporting on the Strategic Plan for Improving Access to Justice 2022-2025 and the Strategic Plan for Efficiency in Handling Cases of Corruption, Abuse of Official Duty, and Organized Crime 2025-2027 has approved two Action Plans related to these strategic plans. These plans detail all the activities that the Commission plans to undertake to fulfill the obligations arising from these strategies.
These Action Plans include a series of activities, such as individual meetings and communications with court presidents, supervising judges of branches, heads of departments and divisions, specific judges, as well as visits to judges' offices to address challenges related to fulfilling the obligations of these strategic plans. Additionally, there will be notifications and reports on the actions the Commission will undertake during this period.
Furthermore, the plans include the analysis and evaluation of statistical data for all judges individually, in order to assess their work and track the progress that needs to be achieved.
Ministry of Justice: Ministry of Justice has reviewed the Action Plan of the Rule of Law Strategy 2021–2026. The new Strategy Action Plan expressed through five main objectives: (1) Efficient, professional and integrity judiciary and prosecution; (2) Strengthening the Criminal Justice system; (3) Strengthening the Civil and Administrative Justice system; (4) Digitization of justice; and (5) Access to justice. Those main objectives are to be implemented through concrete Actions.
Additionally, Law on Administrative Court was approved by the Assembly on 05 December 2024. This law currently is under review of the Constitutional Court

Q288-8 (2022): New Criminal procedure code
Q288-9 (2024): In the Rule of Law Strategy, foresees the amendment of the Law on Mediation, and other concrete actions to further strengthen the Alternative Dispute Resolution Mechanism.

Q288-10 (2024): The Ministry of Justice has undertaken the necessary steps to draft the laws deriving from the Joint Commitment Statement on the Justice Reform in Kosovo, namely Draft Law on Recruitment, performance evaluation, integrity control, and status of judges and prosecutors; Draft Law on amending and supplementing the Law on Kosovo Judicial Council; Draft Law on amending and supplementing the Law on Kosovo Prosecutorial Council; Draft Law on amending and supplementing the Law on the Disciplinary liability of judges and prosecutors, as amended and supplemented by the Law no. 08/L -003; Draft Law on amending and supplementing the Law on Academy of Justice, and Draft Law on the Administration of the judicial system and prosecutorial system.
In November 2024, the Minister of Justice has formally sent a request for Opinions to the Venice Commission, for the compliance of the draft laws related to the justice reform, with the relevant international and European standards and best practices. The assessment of the Commission has especially been requested with a focus on specific matters such as performance evaluations of judges and prosecutors, asset declaration and integrity check system, retirement age of judges and prosecutors, and authorities to be involved and with decision making powers in disciplinary procedures, as those were the most discussed matters during the development of abovementioned draft Laws. So far, we have received three opinions.
KJC Comment:The NEW STRATEGIC PLAN FOR THE EFFICIENCY IN HANDLING CASES OF CORRUPTION, ABUSE OF OFFICIAL DUTY, AND ORGANIZED CRIME 2025-2027 has been approved. The plan aims to enhance the efficiency and effectiveness of the judicial system in handling cases of corruption, abuse of official duty, and organized crime.
This Strategic Plan is considered an important instrument that provides the Commission and the Council with greater and more sustainable control over its implementation, with the objective of improving the handling of these cases and ensuring the implementation of accountability measures.

Q288-11 (2024): Regulation on the Organization and Functioning of the Office of the National Coordinator for Protection from Domestic Violence, Violence Against Women, and Gender-Based Violence was approved by the Government on 27 December 2024. This Regulation defines the duties and responsibilities, organization, and functioning of the Office of the National Coordinator for Protection against Domestic Violence, Violence against Women, and Gender-based violence, as well as the functioning of the Inter-Ministerial Coordinating Group.
- Administrative Instruction for the establishment of the Emergency Fund for the needs of the victims was approved by the Minister of Justice on 12 February 2025. The purpose of this Administrative Instruction is to determine the procedure for providing services from the Emergency Fund for needs of victims of domestic violence, violence against women and gender-based violence during their stay at the police to ensure that their immediate needs are addressed in accordance with the Law on Prevention and Protection from Domestic Violence, Violence Against Women and Gender-Based Violence (hereinafter referred to as the Law).
- The Division for Access to Justice, Protection from Domestic Violence, Violence against Women, and Gender-Based Violence (which also serves as the Secretariat for the National Coordinator against Domestic Violence) was established under the Internal Regulation of the Ministry of Justice. It became operational with the recruitment of four staff members between May and June 2024: one Head of Division, two additional officials, and one remaining position to be recruted, bringing the total number of staff to four (as it is foreseen by the Regulation). - The Draft-Regulation for the Local Coordinating Mechanism for Protection against Domestic Violence and Gender-Based Violence, approved by the Government on 28 February 2025. This regulation defines the responsibilities of local institutions in protecting victims of violence and enhances the role of municipal mayors in this process, ensuring stronger coordination and more effective support for the victims.
- Emergency Helpline for Victims of Violence was approved by the Government on 28 February 2025. This administrative instruction envisions the creation of a dedicated helpline for victims of violence, providing immediate assistance, counseling, and referral to the appropriate services.
KJC Comment: The prioritization of domestic violence cases is being implemented through the Strategic Plan, with regular annual reporting and additional reports as needed by the designated coordinator from the Kosovo Judicial Council (KGJK) for domestic violence cases.
Additionally, a member has been appointed to the Coordinating Group for Protection from Domestic Violence, which serves as a coordinating body responsible for the harmonization, implementation, monitoring, and evaluation of policies and measures aimed at preventing and combating all forms of violence covered by law and the Istanbul Convention. This group also ensures inter-institutional and cross-sectoral cooperation at the national level.
In civil proceedings, courts have reviewed requests for protection orders and emergency protection orders in a timely manner and have issued the protective measures prescribed by law.
Furthermore, the Supreme Court of Kosovo has approved the General Sentencing Guideline, which came into force on the day of its publication. This guideline repeals the 2018 Sentencing Policy Guideline and was adopted in response to changes in criminal legislation, aiming to increase the efficiency and effectiveness of courts in sentencing practices. Among other aspects, the guideline emphasizes the enhancement of monitoring capacities and the sentencing policy for domestic violence cases, violence against women, and gender-based violence, with a focus on prevention.

Q288-11 (2022): National Strategy for Protection and Prevention of Domestic Violence and Violence against Women has been adopted in January 2022 and is valid until 2026. This Strategy has over 140 activities.
Q288-12 (2024): The Action Plan of the Review of the Rule of Law Strategy 2025-2026, has included a new chapter on digitalization of the justice sector with 47 new actions.
KJC Comment: The projects implemented for the electronic case file of judicial administration, the electronic case file for judges, finance management, the translation process, and other digitalization initiatives related to services, as mentioned in question 208 – 1.

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Overview of Reforms

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